STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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In the Matter of:

Docket HSA - 94/95-

OMEGA CHEMICAL CORPORATION

CONSENT ORDER

12504 East Whittier Blvd. Whittier, California

Health and Safety Code Sections 25358.3(a), 25355.5(a)(1)(C), 58009 and 58010

Responsible Parties:

Respondents.

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I. INTRODUCTION



- 1.1. <u>Parties</u>. This Consent Order (Order) is entered into by the Department of Toxic Substances Control ("Department") and the Responsible Parties ("Respondents").
- 1.2. Site. The site which is the subject of this Consent Order is the Omega Chemical Corporation ("Omega") facility located at 12504 East Whittier Blvd., Whittier, California 90602 ("Site"). A map depicting the Site is attached as Exhibit 1. For purposes of this Consent Order, the "Site" shall refer to the aerial extent of known or suspected contamination including but not limited to the Omega facility boundaries.
- 1.3. <u>Jurisdiction</u>. Section 25358.3(a) of the Health and Safety Code ("H&SC") authorizes the Department to issue an Order when the Department determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment because of a release or a threatened release of a hazardous substance.

Section 25355.5(a)(1)(C) of the Health and Safety Code ("H&SC") authorizes the Department to enter into an enforceable agreement with a potentially responsible party for the site which requires the party to take necessary corrective action to remove the threat of the release, or to determine the nature and extent of the release and adequately characterize the site, prepare a remedial action plan, and complete the necessary removal or remedial actions.

Sections 58009 and 58010 of the Health and Safety Code authorize the Department to commence and maintain all proper and necessary actions and proceedings to protect and preserve the

public health and to abate public nuisances related to matters within its jurisdiction.

- 1.4. <u>Purpose</u>. The purpose of this Consent Order is to ensure that any release or threatened release of a hazardous substance to the air, soil, surface water and ground water at or from the Site is thoroughly investigated and that appropriate removal/remedial actions are taken. The purpose of this Consent Order is also to obtain reimbursement from the Respondents for the Department's response costs, including oversight costs.
- 1.5. Objectives. The objectives of the Parties in entering into this Consent Order is to undertake removal and/or remedial actions that are necessary to protect public health and welfare and the environment at and from the Site pursuant to applicable state and federal hazardous waste laws and regulations.

II. FINDINGS OF FACT

- 2.1. <u>Liability of Responsible Parties</u>. Each and every Respondent did by contract, agreement or other mechanism arrange for the disposal, treatment, or the transportation for disposal or treatment, of hazardous substances at the Omega facility during its operation. Each and every Respondent is a person doing business in the State of California. The term "person" is defined in Health & Safety Code Section 25118.
 - 2.2. Physical Description of Site.
- 2.2.1. The Site is located in Whittier, California.

 The Site consists of approximately 40,000 square feet of land.

 The Site has several waste storage tanks and treatment units.

 There are two building structures onsite. One building is used for offices and the second building is used as a warehouse and

contains some of the treatment units. In the warehouse, the drum storage areas are separated into two sections. There are 2800 drums currently stored onsite.

2.3. Site History

2.3.1 Omega operated a hazardous waste treatment and storage facility under an Interim Status Document (ISD) until 1991.

The ISD was issued to Omega in October 1981. The facility originally consisted of 20,000 square feet of land. In 1987, Omega doubled the size of the facility by expanding Omega's operations onto contiguous property of approximately equal size to the original parcel of land. No treatment, storage or disposal was authorized by the Department on the new portion of the facility. The Department authorized Omega only for operations related to Omega's status as a generator on the new portion of the site. Omega is currently occupying this expanded area.

Omega was an offsite hazardous waste treatment and storage facility. The facility had storage tanks, drum storage area and Waste accepted at Omega included Organic treatment units. solvents and chemicals and aqueous waste with organic waste constituents. The waste that arrived at the facility in containers and bulk truckloads was unloaded to the container storage area and storage tanks. The waste was unloaded into holding tanks then scheduled for treatment or transfer to offsite facilities for further treatment or disposal. Omega used forklifts to transport containerized waste to treatment units. Empty drums were reconditioned or crushed and sent offsite for disposal. Omega repackaged nonrecyclable waste into containers and sent the containers to an offsite incinerator. Omega also

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generated its own waste as a result of the treatment processes.

Omega was a registered hazardous waste hauler.

- 2.4. Substances Found at the Site.
- 2.4.1. Sampling results from Soil.
- a. Underground storage tank- Omega removed one 500 gallon underground storage tank from the facility in August 1987. The bottom part of the tank was approximately 8 feet below ground surface. The tank was heavily corroded around the top and contained residual liquid and sludge in the bottom. The liquid in the tank contained several volatile and aromatic organic compounds. Trichloroethane (TCA) was detected in the sludge. Analysis of soil samples near the location of the tank detected the following compounds:

Compound	Concentration
Total Petroleum Hydrocarbons	300 mg/Kg
Benzene	ND
Toluene	0.4 mg/Kg
Ethyl Benzene	0.3 mg/Kg
Total Xylenes	0.4 mg/Kg
1,1,1 Trichloroethane	4.0 mg/Kg
Tetrachloroethylene	2.7 mg/Kg
Methylene Chloride	1.3 mg/Kg
1,2 Dichloroethane	0.12 mg/Kg
Acetone	13.8 mg/Kg

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b. Soil Borings. In March 1988, Omega's Contractor, ENSR, drilled several borings at the site. Samples were collected every 5 feet and were selected for analysis based on photoionization detector results and visual/olfactory evidence of contamination. Analysis of the samples detected several compounds including the following chlorinated hydrocarbons: Methylene Chloride, 1,1,1 Trichloroethane, Trichloroethylene, and Tetrachloroethylene.

c. Analysis of soil samples taken during an investigation conducted by LeRoy Crandall in June 1985 showed maximum contamination at depth of one foot as follows:

Compound	Concentration					
Methylene Chloride	4.49 mg/Kg					
1,1,1 Trichloroethane	848.0 mg/Kg					
Trichloroethylene	358 mg/Kg					
Tetrachloroethylene	2064 mg/Kg					
1,2 Dichloroethane	25 mg/Kg					

2.4.2. Soil Vapor Survey Results:

In January 1988, a soil vapor survey was conducted on the site to screen near surface soils for hydrocarbon presence. Analysis of samples detected significant levels of hydrocarbon in the soil under most of the facility, with the levels becoming progressively higher at the southwest part of the facility.

2.4.3. Groundwater Sampling Results:

In June 1938, Omega's Contractor, ENSR, drilled a groundwater monitoring well near the westernmost corner of the 20,000 square

foot section of the site. The location of the well is hydraulically downgradient of hazardous waste drum storage areas that were in existence in 1987 and hydraulically upgradient of the excavated underground storage tank and above ground tank farm. Samples of the groundwater showed the following contamination:

Compound/Date	6/14/88	6/16/88	6/21/88
MethyleneChloride	650 ug/l	260 ug/l	280 ug/l
Trichlorofluoromethane	1540 ug/l	1718 ug/l	ND
1,1 Dichloroethylene	1080 ug/l	836 ug/l	510 ug/l
1,1,1 Trichloloethane	2080 ug/l	2150 ug/l	2200 ug/l
Trichloroethylne	258 ug/l	160 ug/l	120 ug/l
Tetrachloroethylene	1030 ug/l	667 ug/l	510 ug/l
1,1,2 Trichloro- 1,2,2 Trifluoroethane	5240 ug/l	ND	ND
trans-1,2			
Dichloroethylene	ND .	9 ug/l	ND
Chloroform	ND	24 ug/l	ND
Acetone	ND	ND	160 ug/l

2.4.4. History of Poor waste Management Practices:

The following violations of the hazardous waste regulations may have resulted in a release or potential release of hazardous substances at the site:

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- Leaking of drums because of overfilling or deterioration;
- No aisle space between the pallets that would allow observation of the leaking drums.
- Omega had not followed an inspection schedule nor kept a log of inspections.
- 4. The Omega tank farm that stored hazardous waste did not have an impervious containment base. 1987 sampling of the corroded base revealed contamination.
- 5. Omega maintained drums that contained hazardous waste without proper labeling information.
- 6. Omega stored hazardous waste in containers that were not in good condition.
- 2.5. Health Effects. The hazardous wastes and hazardous constituents identified in section 2.4 of this order and released at the site (including but not limited to tetrachloroethylene, trichloroethylene, 1,1 dichloroethylene and methylene chloride) may pose a threat to human health and the environment by inhalation, ingestion, bioaccumalation and/or absorption of contaminated groundwater and soil.
- 2.5.1. Tetrachloroethylene (PCE) is classified as a probable human carcinogen by U.S. EPA. The Maximum Contaminant level (MCL) for drinking water is 5 μ g/l. Up to 1030 μ g/l of PCE was found in groundwater beneath the Site. PCE is toxic by inhalation, ingestion, skin contact, and subcutaneous routes. The liquid can cause injuries to the eyes. Exposure to PCE can cause damage to the central nervous system and liver.

- 2.5.2. Trichloroethylene (TCE) is classified as a possible human carcinogen by U.S. EPA. MCL for TCE is 5 μ g/l. Up to 258 μ g/l of TCE were detected in groundwater beneath the Site. It is an eye irritant and can cause reproductive defects and tumorigenic affects, Chloracne and liver damage. Acute, chronic exposure to TCE has been linked to irreparable damage to the liver and other organs. Exposure can occur through ingestion, respiration, and adsorption through the skin.
- 2.5.3. 1,1 Dichloroethylene (DCE) is classified as a possible human carcinogen. MCL for DCE is 6 μ g/l. Up to 1080 μ g/l of DCE was detected in groundwater beneath the Site. It may be poisonous when inhaled or ingested and may create a dangerous fire hazard when exposed to heat or flame.
- 2.5.4. 1,1,1 Trichloroethane has a maximum contaminant level of 200 μ g/l. Up to 2080 μ g/l were detected in groundwater beneath the Site. It may be toxic by ingestion and intraperitoneal routes. IT may cause human psychotropic, gastrointestinal tract, and central nervous system effects. Liquid and vapor are irritating to the eyes on contact. Skin contact may cause dermatitis.
- 2.5.5. Methylene Chloride is a suspected human carcinogen. Repeated skin contact may cause dermatitis. The liquid and vapor are irritating to the eyes and upper respiratory tract at higher concentrations. In severe cases, observers have noted toxic encephalopathy with hallucination, pulmonary edema, coma, and death. If the liquid is held in contact with the skin, it may cause burns.

- 2.5.6. Chloroform is a suspected human carcinogen.

 Up to 24 μg/l were found in groundwater below the Site. It may be poisonous to humans by ingestion, inhalation and toxic by intraperitoneal and subcutaneous routes. It may cause human central nervous system effects and systemic effects. Exposure may cause lassitude, digestive disturbance, dizziness, mental dullness and coma. If left in contact with the skin, it may produce burns.
- 2.6. Routes of Exposure Hazardous substances identified above may migrate from the site into the environment in the following pathways: air; soil to groundwater; groundwater to drinking water; and direct contact. Direct contact is a possible pathway because the fence is not secure in the south side of the property and does not have barbed wire at the top. Deeper aquifers in the vicinity are used for drinking water. The upper and lower aquifers may be hydraulically connected. The city of Santa Fe Springs operates three wells within three miles of the site.
- 2.7. Public Health and/or Environmental Risk The site is located in a part of Whittier, California that consists of residential, commercial and industrial land uses. Many flammable and heat sensitive chemicals are stored onsite. Nearby sensitive receptors are at the following locations: Skateland, a commercial skating ring adjacent to the facility; Intercommunity hospital within 0.5 miles west of the facility; three elementary schools and two high schools within one mile of the site. Hazardous substances released at the site may enter the drinking water supply source in the area.

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III. CONCLUSIONS OF LAW

- 3.1. Each of the Respondents identified in Section __ is a "responsible party" or "liable person," as defined by Health and Safety Code sections 25319, 25323.5 and 25385.1(g).
- 3.2. Each of the substances listed in Section 2.4 is a "hazardous substance," as defined by Health and Safety Code section 25316, and has been found at the Site.
- 3.3. A "release" or threatened release of the hazardous substances listed in Section 2.4 has occurred at or from the Site, as defined by Health and Safety Code section 25320.
- 3.4. The actual and/or threatened release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or to the environment.

IV. DETERMINATIONS

- 4.1. Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby determines that removal and/or remedial action is necessary at the Site because there may be an imminent and substantial endangerment to the public health or welfare or to the environment.
- 4.2. The Department hereby determines that the actual and/or threatened release of hazardous substances at the Site constitute a public nuisance as define in Civil Code sections 3479 and 3480. The actions required by this Consent Order are necessary to protect the public health, welfare and the environment, and to abate a public nuisance as defined in Civil Code section 3479 and 3480.

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V. CONSENT ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and Determinations, IT IS HEREBY AGREED AND ORDERED THAT Respondents comply with the following provisions, including but not limited to all appendices, exhibits, and attachments to this Consent Order, all documents incorporated by reference into this Consent Order, and all schedules and deadlines contained in this Consent Order, attached to this Consent Order, or incorporated by reference into this Consent Order.

- 5.1. Consistency with Laws and Regulations. All work performed under this Consent Order shall be consistent with and based on the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.), as amended, the National Contingency Plan (40 Code of Federal Regulation (CFR) Part 300), as amended, the Hazardous Substances Account Act (HSAA), Health and Safety Code (H&SC) section 25300 et seq., as amended, state laws and regulations, as amended and other current and applicable U.S. EPA and Department guidance and standards.
- 5.2. Deliverables and Department Approval. All Work under this Consent Order is subject to approval by the Department. Respondents shall submit the required Work, as defined in Section VI of this Consent Order. Respondents shall submit a schedule for performance of the required work and submit Deliverables in accordance with such schedule. Once the Deliverables are approved, they shall be incorporated into, and, where applicable, enforceable under this Consent Order.



- 5.3. Work to be Performed by Respondents. The Work to be performed at the Site under this Consent Order shall include but not be limited to: implementation of any appropriate removal actions; completion of a Remedial Investigation/Feasibility Study (RI/FS); preparation of a Remedial Action Plan (RAP); preparation of necessary California Environmental Quality Act (CEQA) documents; and Design and Implementation of the remedial actions approved in the RAP.
- 5.3.1. Removal Actions. Within thirty (30) days from the effective date of this Consent Order, the Respondents shall prepare and submit to the Department for review and approval a removal action workplan, including an implementation schedule. The removal action shall include, but not be limited to: securing the site by fencing; overpacking leaking drums; haz-cating and segregating the drums by waste types; transportation and disposal of drums; and decontamination of equipment and structures.
- 5.3.2. Remedial Investigation and Feasibility Study (RI/FS). An overall Site investigation and remediation strategy shall be developed by the Respondents in conjunction with the Department, as specified in the Statement of Work (SOW), (Appendix A). Current knowledge of Site contamination sources, exposure pathways, and receptors shall be used in developing this strategy.

The purpose of the RI/FS is to assess Site conditions and to evaluate alternatives to the extent necessary to select a remedy appropriate for the Site. The RI/FS shall be prepared consistent with the U.S. Environmental Protection Agency's and the Department's guidance, including at a minimum the U.S. EPA's "Guidance for Conducting Remedial Investigations and Feasibility

Studies under CERCLA," October 1988 and "Data Quality Objectives for Remedial Response Activities", March 1987. The following RI/FS components shall be performed as detailed in the SOW attached as Appendix A:

- (a) RI Workplan-Within ninety (90) days from the effective date of this Consent Order, the Respondents shall prepare and submit to the Department for review and approval a detailed RI Workplan. The RI Workplan will identify activities necessary to provide additional data necessary to adequately characterize the Site for purposes of defining risks to public health and the environment and developing an evaluation of effective remedial alternatives. The RI Workplan shall include an implementation schedule which covers all the activities necessary to conduct a complete RI of the Site.
- (b) <u>RI Report-Within thirty</u> (30) days of completion of the RI field work, the Respondents shall prepare and submit the RI Report for review and approval by the Department.
- (c) <u>FS Workplan-Within 30 days from submittal of the RI</u> Report, Respondents shall prepare and submit to the Department for review and approval an FS Workplan and implementation schedule which covers all the activities necessary to conduct a complete FS of the Site.
- (d) <u>FS Report</u>-The FS Report shall be prepared and submitted for review and approval by the Department no later than 30 days from approval of the FS Workplan.
- 5.3.2.1. RI/FS Workplan Implementation. Respondents shall implement the approved RI/FS Workplan.

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- 5.3.2.2. RI/FS Workplan Revisions. If Respondents propose to modify any methods or initiates new activities for which no Field Sampling Plan, Health and Safety Plan, Quality Assurance Project Plan or other necessary procedures/plans have been established, the Respondents shall prepare an addendum to the approved plan(s) for Department review and approval prior to modifying the method or initiating new activities.
- 5.3.3. <u>Baseline Risk Assessment.</u> Within 30 days of submittal of the RI Report, Respondents shall submit a Baseline Risk Assessment Report which addresses human health and the environment. The report shall be prepared consistent with U.S. EPA and Department guidance and regulations, including as a minimum: Risk Assessment Guidance for Superfund, Volume 1; Human Health Evaluation Manual, December 1989; Superfund Exposure Assessment Manual, April 1988; and Risk Assessment Guidance for Superfund, Volume 2, Environmental Evaluation Manual, March 1989. The SOW, attached as Appendix A, discusses the requirements for the Baseline Risk Assessment Workplan and Report.
- 5.3.4. Remedial Action Plan (RAP). No later than thirty (30) days after Department approval of the FS Report, the Respondents shall prepare and submit to the Department a draft RAP. The draft RAP shall be consistent with the NCP and Health and Safety Code section 25356.1, et seq. The draft RAP public review process may be combined with that of any other documents required by CEQA. The draft RAP shall be based on and summarize the approved RI/FS Report and clearly set forth all of the items listed in the SOW attached as Appendix A.

- 5.3.4.1. <u>Deed Restrictions</u>. If the approved remedy in the final RAP requires deed restrictions, Respondents shall sign and record deed restrictions approved by the Department within 90 days of completion of field activities required by the RAP.
- 5.3.4.2. California Environmental Quality Act (CEQA).

 The Department must comply with CEQA insofar as activities required by this order are projects requiring CEQA compliance.

 The SOW, attached as Appendix A, discusses in further detail the requirements of CEQA.
- 5.3.5. Remedial Design. Within sixty (60) days after Department approval of the final RAP, Respondents shall submit to the Department for review and approval a Remedial Design Workplan describing in detail the technical and operational plans for implementation of the final RAP. The Workplan shall include the elements, as outlined in the SOW attached as Appendix A.
- 5.3.6. Implementation of Final Remedial Action Plan.

 Upon Department approval of the Remedial Design (RD), Respondents shall implement the final RAP as approved. Within thirty (30) days of completion of field activities, Respondents shall submit an Implementation Report documenting the implementation of the Final RAP and RD.
- 5.3.7. Operation and Maintenance (O&M). Respondents shall comply with all operation and maintenance requirements in accordance with the final RAP and approved RD. O&M Agreements, which include financial assurance, must be entered into with the Department prior to certification of the Site.
- 5.3.8. Other Response Actions. The Respondents and the Department shall develop and possibly modify Site priorities



throughout the course of the investigations. If necessary for the protection of public health and the environment, the Department shall require additional response actions not specified in the Consent Order to be performed as removal actions.

Within thirty (30) days of receipt of a notice from the Department that additional response actions are necessary (or such longer time as may be specified by the Department), Respondents shall submit for approval by the Department a plan or plans for the implementation of the Additional Response Actions. Upon approval of the plan(s) by the Department, Respondents shall implement the plan(s) for additional response actions in accordance with the provisions and schedules contained therein.

5.4. Public Participation Plan (Community Relations).

The Respondents shall work cooperatively with the Department in ensuring that the affected public and community are involved in the Department's decision-making process. Any such public participation activities shall be conducted in accordance with Health and Safety Code section 25356.1(e), the Department's Public Participation Policy and Guidance Manual, and with the Department's review and approval.

The Department, in coordination with the Respondents, shall assess the community and develop a Public Participation Plan (PPP) which describes how, under the Consent Order, the public and adjoining community will be kept informed of activities conducted at the Site and how the Respondents will be responding to inquiries from concerned citizens. The PPP must be approved by the Department before any activities at the Site are performed.

- 5.5. Document Revisions. If Respondents modify any methods or initiates new activities, including activities for which no Sampling and Analysis Plan (Field Sampling Plan and Quality Assurance Project Plan), Health and Safety Plan or other necessary procedures/plans have been established, the Respondents shall prepare an addendum to the appropriate approved plan(s) or documents for Department review and approval prior to modifying the method or initiating new activities.
- 5.6. Technical Memorandum. The Technical Memorandum is the mechanism for requesting modification of plans, designs, and schedules during field work. Technical memoranda are not required for non-material field changes that have been approved by the Department. In the event that the Respondents determine that modification of an approved plan, design, or schedule is necessary, Respondents shall submit a written request for the modification to the Department Project Manager which includes, but is not limited to, the following information:
 - (a) general description of and purpose for the modification;
- (b) justification, including any calculations, for the modification;
- (c) actions to be taken to implement the modification, including any actions related to subsidiary documents, milestone events, or activities affected by the modification; and
 - (d) recommendations.
- 5.7. Changes During Implementation of the Final RAP.

 Respondents and Department shall develop and possibly modify Site priorities throughout the course of the investigations.

 If necessary for the protection of public health and the

environment, the Department shall require additional response actions not specified in the Consent Order.

During the implementation of the final RAP and RD, the Department may specify such additions, modifications, and revisions to the RD as deemed necessary to protect public health and safety or the environment or to implement the RAP.

- 5.8. Five-Year Review. Pursuant to section 121(c) of CERCLA as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, Respondents shall submit a remedial action review workplan within thirty (30) days before the end of the five-year period following approval of the final RAP. Within thirty (30) days of the Department's approval of the workplan, Respondents shall implement the workplan and shall submit a comprehensive report of the results of the remedial action review. The report shall describe the results of all sample analyses, tests and other data generated or received by the Respondents.
- 5.9. Stop Work Order. In the event that the Department determines that any activity (whether or not pursued in compliance with this Consent Order) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area, or to the environment, the Department may order Respondents to stop further implementation of this Consent Order for such period of time needed to abate the endangerment. In the event that the Department determines that any site activities (whether or not pursued in compliance with this Consent Order) are proceeding without Department authorization, the Department may order Respondents to stop further implementation of this Consent Order or activity for such period of time needed to

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obtain Department authorization, if such authorization is appropriate. Any deadline in this Consent Order directly affected by a Stop Work Order, under this section, shall be extended for the term of the Stop Work Order.

- 5.10. Emergency Response Action/Notification. In the event of any action or occurrence (such as a fire, earthquake, explosion, or human exposure to hazardous substances caused by the release or threatened release of a hazardous substance) during the course of this Consent Order, Respondents shall immediately take all appropriate action to prevent, abate, or minimize such emergency, release, or immediate threat of release and shall immediately notify the Department Project Manager. Respondents shall take such action in consultation with the Department Project Manager and in accordance with all applicable provisions of this Consent Order. Within seven (7) days of the onset of such an event, Respondents shall furnish a report to the Department, signed by the Respondents' Project Coordinator, setting forth the events which occurred and the measures taken in the response thereto. In the event that Respondents fail to take appropriate response and the Department takes the action instead, Respondents shall be liable to the Department for all costs of the response Nothing in this section shall be deemed to limit any other notification requirement to which the Respondents may be subject.
- 5.11. Discontinuation of Remedial Technology. Any remedial technology employed in implementation of the final RAP shall be left in place and operated by Respondents until and except to the extent that the Department authorizes Respondents in writing to

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discontinue, move or modify some or all of the remedial technology because Respondents have met the criteria specified in the final RAP for its discontinuance, or because the modifications would better achieve the goals of the final RAP.

VI. GENERAL PROVISIONS

- 6.1. Additional Response Actions. Respondents acknowledge that the State may seek to require Respondents to perform certain response actions in addition to those embodied in this Consent Order.
- 6.2. Project Coordinator. The work performed pursuant to this Consent Order shall be under the direction and supervision of a Project Coordinator who shall have the technical expertise sufficient to adequately oversee all aspects of the Work. Within fifteen (15) days of the effective date of this Consent Order, Respondents shall submit, in writing, to the Department the name, address, and telephone number of a Project Coordinator. The Project Coordinator, who will act on behalf of the Respondents, will receive all notices, comments, approvals, and other communications from the Department. The Respondents shall obtain approval from the Department within thirty (30) days of notice of the Project Coordinator's selection. The Department's approval of the Project Coordinator may not be unreasonably exercised.
- 6.2.1. If at any time the Respondents propose to use a different Project Coordinator, the Respondents shall notify the Department in writing of the change at least five (5) Working Days before the changes occur, unless impracticable, but in no event later than the actual day the change is made. The Respondents

shall obtain approval from the Department before the new Project Coordinator performs any work under this Consent Order.

- Project Engineer/Geologist. The Work performed pursuant to this Consent Order shall be under the direction and supervision of a qualified professional engineer or a registered geologist in the State of California, with expertise in hazardous substance site cleanup. Within fifteen (15) days of the effective date of this Consent Order, Respondents shall submit: a) The name and address of the project engineer or geologist chosen by the Respondents; and b) in order to demonstrate expertise in hazardous substance cleanup, the résumé of the engineer or geologist, and the statement of qualifications of the consulting firm responsible for the Work. The Respondents shall obtain approval from the Department within thirty (30) days of notice of the Project Engineer/Geologist's selection. The Department's approval of the Project Engineer/Geologist may not be unreasonably exercised.
- 6.3.1. If at any time the Respondents propose to use a different Project Engineer/Geologist, the Respondents shall notify the Department in writing of the change at least five (5) Working Days before the changes occur, unless impracticable, but in no event later than the actual day the change is made. The Respondents shall obtain approval from the Department before the new Project Engineer/Geologist performs any work under this Consent Order.
- 6.4. Assurance of Ability to Complete Work. Within thirty (30) days of entry of this Consent Order, Respondents shall demonstrate their ability to complete the Work by establishing and maintaining financial security, equalling the total estimated cost

of the Work, in one of the following terms:

- a) A surety bond guaranteeing performance of the Work;
- b) One or more irrevocable letters of credit equalling the total estimated cost of the Work;
 - c) A trust fund;
- d) A guarantee to perform the Work by one or more parent corporations or subsidiaries, or by one or more unrelated corporations that have a substantial business relationship with at least one of the Respondents; or
- e) A demonstration that one or more of the Respondents satisfies the requirements of title 22, California Code of Regulations (Cal. Code Regs.), Section 66265.143, subdivision (f).
- 6.4.1. If the Respondents seek to demonstrate the ability to complete the Work through a guarantee by a third party pursuant to 6.4(d) of this Consent Order, Respondents Section demonstrate their ability to complete the Work by means of the financial test or the corporate quarantee pursuant to Section 6.4(d) or (e), they shall resubmit sworm statements conveying the information required by title 22, Cal. Code Regs., section 66265.143, subdivision (f) annually, on the anniversary of the effective date of this Consent Order. In the event that the Department determines at any time that the financial assurances provided pursuant to this Section are inadequate, Respondents shall, within thirty (30) days of receipt of notice of the Department's determination, obtain and present to the Department for approval one of the other forms of financial assurance listed in Section 6.4 of this Consent Order. Respondents' inability to demonstrate financial ability to complete the Work shall not

excuse performance of any activities required under this Consent Order.

- 6.5. Monthly Summary Reports. Within thirty (30) days of the effective date of this Consent Order, and on a monthly basis thereafter, Respondents shall submit a Monthly Summary Report of its activities under the provisions of this Consent Order. The report shall be received by the Department by the fifteenth (15th) day of each month and shall describe:
- 6.5.1. Specific actions taken by or on behalf of Respondents during the previous calendar month;
- 6.5.2 Deviations from the original Workplans and reasons thereof;
 - 6.5.3 Recommendations for additional work;
- 6.5.4. Actions expected to be undertaken during the current calendar month;
 - 6.5.5. All planned activities for the next month;
- 6.5.6. Any requirements under this Consent Order that were not completed;
- 6.5.7. Any problems or anticipated problems in complying with this Consent Order, and the actions planned to be taken to resolve such problems; and
- 6.5.8. All results of sample analyses, tests, and other data generated under this Consent Order during the previous calendar month, and any significant findings from these data.
- 6.6. Quality Assurance/Quality Control (QA/QC).

 All sampling and analysis conducted by Respondents under this

 Consent Order shall be performed in accordance with QA/QC

procedures submitted by Respondents and approved by the Department pursuant to this Consent Order.

6.7. <u>Submittals</u>. All submittals and notifications from Respondents required by this Consent Order shall be sent to:

Mr. Shawn Haddad Omega Project Manager Department of Toxic Substances Control 1011 Grandview Avenue Glendale, California 91201

- 6.8. <u>Communications</u>. All approvals and decisions made by the Department regarding submittals and notifications will be communicated to Respondents in writing by the Site Mitigation Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions or comments by the Department regarding reports, plans, specifications, schedules or any other writings by Respondents shall be construed to relieve Respondents of the obligation to obtain such formal approvals as may be required.
- 6.9. Department Review and Approval. If the Department determines that any report, plan, schedule or other document submitted for approval pursuant to this Consent Order fails to comply with this Consent Order or fails to protect public health or safety or the environment, the Department may:
- (a) Modify the document as deemed necessary and approve the document as modified; or
- (b) Return comments to Respondents with recommended changes and a date by which Respondents must submit to the Department a revised document incorporating the recommended changes.
- 5.9.1. Any modifications, comments or other directive issued pursuant to Section 6.9, above, are incorporated into this Consent

Order. Any noncompliance with these modifications or directives shall be deemed a failure or refusal to comply with this Consent Order.

- 6.10. Compliance with Applicable Laws. Respondents shall carry out this Consent Order in compliance with all applicable state, local, and federal requirements including, but not limited to, requirements to obtain permits and to assure worker safety.
- Respondents' Liabilities. Nothing in this Consent 6.11. Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current or future operations of Respondents. Nothing in this Consent Order is intended or shall be construed to limit the rights of any of the parties with respect to claims arising out of or relating to the deposit or disposal at any other location of substances removed from the Site. Nothing in this Consent Order is intended or shall be construed to limit or preclude the Department from taking any action authorized by law to protect public health or safety or the environment and recovering the cost thereof. Notwithstanding compliance with the terms of this Consent Order, Respondents may be required to take further actions as are necessary to protect public health and the environment.
- 6.12 <u>Site Access</u>. Access to the Site and laboratories used for analyses of samples under this Consent Order, shall be provided at all reasonable times to employees, contractors, and consultants of the Department. Nothing in this section is intended or shall be construed to limit in any way the right of entry or inspection that the Department or any other agency may

otherwise have by operation of any law. The Department and its authorized representatives, or the authorized representatives of Respondents who require access to comply with this Consent Order, shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including, but not limited to: inspecting records, operating logs, sampling and analytic data, and contracts relating to this Site; reviewing the progress of Respondents in carrying out the terms of this Consent Order; conducting such tests as the Department may deem necessary; and verifying the data submitted to the Department by Respondents.

6.12.1. To the extent that the Site or any other property to which access is required for the implementation of this Consent Order is owned or controlled by persons other than Respondents, Respondents shall use best efforts to secure from such persons access for Respondents, as well as for the Department, its representatives, and contractors, as necessary to effectuate this Consent Order. To the extent that any portion of the Site is controlled by tenants of Respondents, Respondents shall use best efforts to secure from such tenants, access for Respondents, as well as for the Department, its representatives, and contractors, as necessary to effectuate this Consent Order. For purposes of this Section, "best efforts" includes the payment of reasonable sums of money in consideration of access. If any access required to complete the Work is not obtained within forty-five (45) days of the effective date of this Consent Order, or within forty-five (45) days of the date the Department notifies the Respondents in writing that additional access beyond that previously secured is

necessary, Respondents shall promptly notify the Department, and shall include in that notification a summary of the steps Respondents have taken to attempt to obtain access. The Department may, as it deems appropriate, assist Respondents in obtaining access. Respondents shall reimburse the Department, in accordance with the procedures in Section 6.20.3, Future Response Costs, for all costs incurred by the Department in obtaining access, including, but not limited to, attorneys fees and the amount of just compensation.

- 6.13. Sampling, Data and Document Availability. Respondents shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring or other data generated by Respondents or on Respondents' behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondents shall submit all such data upon the request of the Department. Copies shall be provided within seven (7) days of receipt of the Department's written request. Respondents shall inform the Department at least seven (7) days in advance of all field sampling under this Consent Order, and shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Consent Order. Respondents shall maintain a central repository of the data, reports, and other documents prepared pursuant to this Consent Order.
- 6.14. Record Retention. All such data, reports and other documents shall be preserved by Respondents for a minimum of ten (10) years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of

these documents be preserved for a longer period of time, Respondents shall either comply with that request or deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondents shall notify the Department in writing, at least six (6) months prior to destroying any documents prepared pursuant to this Consent Order.

- 6.15. Government Liabilities. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Respondents, or related parties specified in Section 6.27, Parties Bound, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as party to any contract entered into by Respondents or their agents in carrying out activities pursuant to this Consent Order.
- 6.16. Additional Actions. By issuance of this Consent Order, the Department does not waive the right to take any further actions authorized by law.
- 6.17. Extension Requests. If Respondents are unable to perform any activity or submit any document within the time required under this Consent Order, Respondents may, prior to expiration of the time, request an extension of the time in writing. The extension request shall include a justification for the delay. All such requests shall be in advance of the date on which the activity or document is due.
- 6.18. Extension Approvals. If the Department determines that good cause exists for an extension, it will grant the request and specify a new schedule in writing. Respondents shall comply with the new schedule incorporated in this Consent Order.

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6.18.1 Force Majeure. "Force majeure," for purposes of this Consent Order, is defined as any event arising from causes beyond the control of the Respondents or of any entity controlled by Respondents, including, but not limited to, Respondents' contractors and subcontractors, that delays or prevents the performance of any obligation under this Consent Order despite Respondents' best efforts to fulfill the obligation. The requirement that the Respondents exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (1) as it is occurring and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force Majeure" does not include financial inability to complete the work.

6.18.2. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Order, whether or not caused by a force majeure event, the Respondents shall notify orally the Department Project Manager within forty-eight (48) hours of when Respondents or Respondents' Project Coordinator first knew or should have known that the event might cause a delay. Within five (5) days thereafter, Respondents shall provide in writing to the Department an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the Respondents' rationals for attributing such delay to a

force majeure event if they intend to assert such a claim; and a statement as to whether, in the opinion of the Respondents, such event may cause or contribute to an endangerment to public health, welfare or the environment. The Respondents shall include with any notice, all available documentation supporting any claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Respondents from asserting any claim of force majeure for that event. Respondents shall be deemed to have notice of any circumstance of which Respondents' contractors or subcontractors had or should have had notice.

If the Department agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Order that are affected by the force majeure event will be extended for such time as is necessary to complete those obligations. extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. If the Department does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, the Department will notify the Respondents in writing of this decision. If the Department does agree that the delay or anticipated delay has been or will be caused by a force majeure event, the Department will notify the Respondents in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

- If the Respondents elect to invoke the forth in Section 6.19 resolution procedures set (Dispute Resolution), it shall do so no later that fifteen (15) days after receipt of the Department's notice. In any such proceeding, Respondents shall have the burden of demonstrating preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that the best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondents complied with the requirements of Sections 6.19.1-3 above. If Respondents carry this burden, the delay at issue shall be deemed not to be a violation by Respondents of the affected obligation of this Consent order identified to the Department.
- provided for in this Consent Order, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Order and the Statement of Work regardless of whether the Section at issue expressly refers to the dispute resolution mechanism. The procedures set forth in this Section shall not apply to (1) actions by the Department to enforce obligations of the Respondents that have not been disputed in accordance with this Section; or (2) any further work that the Department may attempt to require from the Respondents beyond the Statement of Work.
- 6.19.1. <u>Informal Dispute Resolution</u>. Any dispute which arises under or with respect to this Consent Order shall in the first instance be the subject of informal negotiations between

Respondents and the Department. The period for informal negotiations shall not exceed twenty (20) days form the time the dispute arises, unless it is modified by written agreement of Respondents and the Department. The dispute shall be considered to have arisen when Respondents send the Department a written Notice of Dispute.

- 6.20. Cost Recovery. Respondents are liable for all of the Department's costs incurred in responding to the contamination at the Site (including costs of overseeing response work performed by Respondents) and costs to be incurred in the future. The State of California reserves the right to bring an action against Respondents under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law, for recovery of all response and oversight costs incurred by the State of California related to this Consent Order and not reimbursed by Respondents, as well as any other unreimbursed past and future costs incurred by the State of California in connection with response activities at the Site.
- 6.20.1. <u>Past Costs</u>. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to the Department \$ to reimburse the Department for its costs incurred up to ______, related to response actions and oversight of site investigation activities at the Site.
- 6.20.2. Form of Payment. Payment to the State shall be made in the form of a certified check or cashier's check made payable to "Cashier, Department of Toxic Substances Control", and shall be forwarded to:

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Department of Toxic Substances Control State of California Accounting Office 400 P Street, 4th Floor Sacramento, California 95814

Respondents shall send a transmittal letter with the check referencing the Omega Chemical Corporation Site, Project Number

______. Respondents shall also send a copy of the check and transmittal letter to the Department as specified in Section 6.7, Submittals.

- Future Response Costs. Respondents shall pay all 6.20.3. costs of the Department's review of activities by Respondents or Respondents' agents under this Consent Order and/or related to this Consent Order as such costs are incurred. Costs of the Department's review of Respondents' activities include all direct and indirect costs. Under all circumstances, Respondents shall remain liable for all costs incurred by the Department as specified by Health and Safety Code section 25360, including interest thereon as provided by law. The Department shall bill Respondents on a quarterly basis for response and oversight costs incurred during the previous quarter. The Department shall provide Respondents with a summary description of the Department's oversight activities for which it seeks oversight Respondents shall maintain the right to review and make copies of documentation supporting the costs claimed by the Department. Respondents shall remit payment as specified in the billing within thirty (30) days of the date of the billing.
- 6.21. <u>Severability</u>. The requirements of this Consent Order are severable, and Respondents shall comply with each and every

provision hereof, notwithstanding the effectiveness of any other provision.

- 6.22 Incorporation of Plans, Schedules and Reports. All plans, schedules, reports, specifications and other documents that are submitted by Respondents pursuant to this Consent Order are incorporated in this Consent Order upon the Department's approval or as modified pursuant to Section 6.9, Department Review and Approval, and shall be implemented by Respondents. Any noncompliance with the documents incorporated in this Consent Order, shall be deemed a failure or refusal to comply with this Consent Order.
- 6.23. Modifications. This Consent Order may be amended in writing by mutual agreement of the Department and Respondents.

 Any amendment to this Consent Order shall be effective upon the date the modification is signed by the Department and shall be deemed incorporated in this Consent Order.
- 6.24. Time Periods/Effective Date. Unless otherwise specified, time periods begin from the effective date of this Consent Order and "days" means calendar days. The effective date of this Consent Order is the date the Consent Order is signed by the Department, as indicated below.
- obligations under this Consent Order, except for the Respondents' obligation to pay all past and future costs incurred by the Department in responding to the contamination at the Site pursuant to Sections 5.16, Five-Year Review; 6.21.1. Past Costs; and 6.20.3 Future Response Costs, shall terminate and be deemed satisfied upon Respondents' receipt of written notice from the Department

that the Respondents have complied with all the terms of this Consent Order.

- 6.26. Parties Bound. This Consent Order applies to and is binding upon any successor agency of the State of California that may have responsibility for and jurisdiction over the subject matter of this Consent Order, and upon Respondents and Respondents' officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors and assignees, including but not limited to, individuals, partners, and subsidiary and parent corporations.
- 6.27. Joint and Several Liability. Respondents are jointly and severally responsible for carrying out all activities required by this Consent Order, except for those activities expressly required only of other Respondents or group of Respondents.
- 6.28. <u>Subsequent Ownership</u>. No change in the ownership, corporate status, or other control of Respondents shall alter any of the Respondents' responsibilities under this Consent Order. Respondents shall provide a copy of this Consent Order to any prospective owners or successors before a controlling interest in Respondents' assets, property rights, or stock are transferred to the prospective owner or successor.
- 6.29. Contractors. Respondents shall provide a copy of this Consent Order to each contractor, subcontractor, laboratory, or consultant retained to perform any work under this Consent Order, within fifteen (15) days of the effective date of this Consent Order or on the date such services are retained, whichever date occurs later. Respondents shall also provide a copy of this Consent Order to each person representing Respondents with respect

to subcontracts entered into hereunder upon performance of the work in conformity with the terms of this Consent Order. regard to the activities undertaken pursuant to this Consent Order, each contractor and subcontractor shall be deemed to be related by contract to the Respondents within the meaning of 107(b)(3), 42 U.S.C. section 9607(b)(3). CERCLA section Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Consent Order and for ensuring that its contractors, subcontractors and agents comply with this Consent Order, and perform any work in accordance with this Consent Order.

6.30. Notification of Third Party Suit/Contribution Claim. Respondents shall agree, with respect to any suit or claim brought against third parties or for contribution for matters related to the Site, to notify in writing the Department within ten (10) days of service of the complaint or any dispositive motion involving the Department. Respondents shall agree to pay all costs associated with the Department's involvement in any third party or contribution suit.

VII. PENALTIES AND PUNITIVE DAMAGES FOR NONCOMPLIANCE

7.1. Respondents may be liable for penalties of up to \$25,000 for each day out of compliance with any term or condition set forth in this Consent Order and for punitive damages up to three times the amount of any costs incurred by the Department as a result of Respondents' failure to comply, pursuant to Health and Safety Code sections 25359, 25359.2, 25359.4, and 25367(c).

DATED:	
35.	Hamid Saebfar, Chief Site Mitigation Branch, Region 3
	Department of Toxic Substances Control
RESPONDENT	· #()
DATED:	Name Title

cc: Site Mitigation Program
Headquarters, Planning & Policy
Office of Legal Counsel

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EXHIBIT 1

[Site Location Map]

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APPENDIX A

Omega Chemical Corporation Whittier, California

Statement of Work

PURPOSE:

The purpose of this Statement of Work (SOW) is to set forth the requirements for the Remedial Investigation/Feasibility Study (RI/FS), Baseline Risk Assessment, Public Health Evaluation, Remedial Action Plan (RAP), Remedial Design (RD), Remedial Action (RA), Public Participation, and other response actions as defined in the Consent Order. This SOW is designed to provide the framework for implementation of these activities, as well as other response actions at Site.

This SOW includes the following tasks and sub-tasks:

- TASK 1.0: PROJECT MANAGEMENT
 - 1.1 PROJECT MANAGEMENT PLAN
 - 1.2 REPORTING
- TASK 2.0: RI/FS
 - 2.1 SITE REMEDIATION STRATEGY MEETING
 - 2.2 RI WORKPLAN
 - 2.3 RI REPORT
 - 2.4 FS WORKPLAN
 - 2.5 FS REPORT
- TASK 3.0: BASELINE RISK ASSESSMENT
 - 3.1 BASELINE RISK ASSESSMENT WORKPLAN
 - 3.2 BASELINE RISK ASSESSMENT REPORT
- TASK 4.0: REMEDIAL ACTION PLAN
 - 4.1 DRAFT RAP
 - 4.2 PUBLIC REVIEW AND RESPONSIVENESS SUMMARY
 - 4.3 FINAL RAP
- TASK 5.0: REMEDIAL DESIGN
 - 5.1 DRAFT REMEDIAL DESIGN REPORT
 - 5.2 FINAL REMEDIAL DESIGN REPORT
- TASK 6.0: REMEDIAL ACTION
 - 6.1 IMPLEMENTATION REPORT
- TASK 7.0: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
- TASK 8.0: PUBLIC PARTICIPATION
 - 8.1 PUBLIC PARTICIPATION PLAN (PPP)
 - 8.2 FACT SHEETS

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TASK 9.0: ROUTINE MONITORING

TASK 10.0: PUBLIC PARTICIPATION

TASK BY TASK DESCRIPTION



TASK 1.0 PROJECT MANAGEMENT

1.1 PROJECT MANAGEMENT PLAN

The Respondent shall submit a Project Management Plan to the Department within 20 days of the effective date of this Consent Order. The Project Management Plan shall define relationships and responsibilities for major tasks and project management items by Respondent, its contractors, subcontractors, and consultants. The plan shall include an organization chart with the names and titles of key personnel and a description of their individual responsibilities.

1.2 REPORTING

The Respondent shall adhere to the following guidelines during the life of the project covered by this Consent Order and SOW:

- (a) All Deliverables to the Department will be submitted with 2 copies attached.
- (b) All workplans and reports will be submitted to the Department both in hard copy and on computer disk. The computer disks will be high density disks formatted on DOS version 5.0 submitted in Wordperfect version 5.1.
- (c) Scoping meetings will be held at the Department's request prior to the initiation of any tasks or activities outlined in this Consent Order or SOW. These meetings will be scheduled within 3 working days of Department request unless a longer period is agreed upon by the Department.
- (d) Review meetings will be held at the Department's request to discuss comments on any Deliverable contained within this Consent Order or SOW. These meetings will be scheduled within 3 working days of Department request unless a longer period is agreed upon by the Department.

TASK 2.0: REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS)

Respondent shall conduct an RI/FS for the Site. RI and FS activities shall be conducted concurrently and iteratively so that the investigations can be completed expeditiously. Because of the unknown nature of the Site and iterative nature of the RI/FS, additional data requirements and analyses may be identified throughout the process. The Respondent shall fulfill additional data and analysis needs identified by the Department; these additional data and analysis requests will be consistent with the general scope and objectives of the Consent Order.

The following elements of the RI/FS process shall be preliminarfly defined in the initial Site scoping and refined and modified as additional information is gathered throughout the RI/FS process and those described in Section of this Consent Order.

- (a) Conceptual Site Model identifying all contamination sources, exposure pathways, and receptors;
- (b) Federal, state, and local remedial action objectives including applicable or relevant and appropriate requirements (ARARs);
- (c) Project phasing, if necessary, including the identification of removal actions and contamination areas;
- (d) General response actions and associated remedial technology types; and
- (e) The need for treatability studies.

The objectives of the RI/FS are to:

- (a) Determine the nature and full extent of hazardous substance contamination of air, soil, surface water and ground water at the Site and contamination from the Site, including offsite areas which may be affected by the Site and extending outside the Site boundaries;
- (b) Identify all existing and potential exposure pathways, and routes through environmental media;
- (c) Determine the magnitude and probability of actual or potential harm to the public health, safety or welfare or the environment posed by the threatened or actual release of hazardous substances at or from the Site;
- (d) Identify and evaluate appropriate response measures to prevent or minimize future releases and mitigate any releases which have already occurred; and
- (e) Collect and evaluate the information necessary to prepare a Remedial Action Plan (RAP), in accordance with the requirements of Health and Safety Code section 25356.1.

In order to achieve the objectives outlined above, the following sub-tasks shall be performed:

2.1 RI WORKPLAN

Respondent shall prepare and submit to the Department, for review and approval, a detailed RI Workplan and an implementation schedule which covers all the activities necessary to conduct a complete RI of the Site and any offsite areas where there is a release or threatened release of hazardous substances from the Site.

The RI Workplan shall include a detailed description of the tasks to be performed, information or data needed for each task, and the deliverables that will be submitted to the Department. Either the Respondent or the Department may identify the need for additional work.

Site characterization may be conducted in one or more phases to focus sampling efforts and increase the efficiency of the investigation. The following shall be included in the RI Workplan:

- 2.1.1 <u>Scoping Document</u>. The Scoping Document shall incorporate program goals, program management principles, and expectations contained in the National Contingency Plan (NCP). It shall include:
- (a) An analysis and summary of the Site background and the physical setting. At a minimum, the following information is required:
 - (1) A map of the Site, and blueprints showing buildings and structures;
 - (2) A description of past waste management practices.
 - (3) A list of all hazardous substances, materials or wastes which were disposed, discharged, spilled, treated, stored, transferred, transported, handled or used at the Site, and a description of their estimated volumes, concentrations, and characteristics;
 - (4) A description of hazardous substance characteristics;
 - (5) Distances to the closest schools, residences, child care centers and retirement homes,
- (b) An analysis and summary of previous response actions, including a summary of all existing data including air, soil, soil gas, surface water, and groundwater data (in an electronic database format) and the QA/QC procedures which were followed;
- (c) Preliminary identification of possible response actions needed for the Baseline Risk Assessment including a summary of all proposed additional sampling needs, including air, soil, soil gas, surface water, and groundwater data;
- (d) Presentation of the Conceptual Site Model;
- (e) The scope and objectives of RI/FS activities;
- (f) Preliminary identification of possible response actions and the data needed for the evaluation of alternatives. Removal actions shall be proposed, if needed, based on the initial evaluation of threats to public health and the environment. If remedial actions involving treatment can be identified,

treatability studies shall be conducted during the characterization phase, unless the Respondent and the Department agree that such studies are unnecessary; and

- (g) If applicable, initial presentation of the Site Remediation Strategy.
- 2.2.2 <u>Sampling and Analysis Plan (SAP)</u>. The SAP shall include the following two components:
- (a) Field Sampling Plan (FSP). The Field Sampling Plan shall include:
 - (1) Data Quality Objectives (DQOs) to be used for development of the sampling strategies and objectives, including a brief description of data deficiencies and how the FSP will address these deficiencies;
 - (2) Sample locations and rationale, including a map showing these locations, and proposed sampling frequency;
 - (3) Chemicals that samples will be analyzed for and method of analysis;
 - (4) Sample designation or numbering system;
 - (5) Detailed specification of sampling equipment, sampling and decontamination procedures, and rationale for equipment use;
 - (6) Description of the information that will be included in the field log;
 - (7) Sample handling and analysis, including preservation methods, chain of custody, shipping requirements and holding times; and
 - (8) Management plan for wastes generated.
- (b) <u>Quality Assurance Project Plan (QAPP)</u>. Required sampling activities shall be conducted in accordance with a QAPP which shall be submitted to the Department and shall include:
 - (1) Project description;
 - (2) Project organization and responsibilities with respect to sampling and analysis;
 - (3) Quality assurance objectives for measurement including accuracy, precision, and method detection limits. In selecting analytical methods, Respondent shall consider obtaining detection limits at or below potential ARARS, such as Maximum Contaminant Levels (MCLs);

- (4) Field QA/QC with detailed description of equipment, sampling procedures and equipment decontamination;
- (5) Sample custody procedures and documentation;
- (6) Field and laboratory calibration procedures;
- (7) Analytical procedures;
- (8) Laboratory to be used certified pursuant to Health and Safety Code section 25198;
- (9) Specific routine procedures used to assess data (precision, accuracy and completeness) and corrective actions;
- (10) Reporting procedure for measurement of system performance and data quality;
- (11) Data management, data reduction, validation and reporting. Information shall be accessible to downloading into the Department's system; and
- (12) Internal quality control.
- 2.2.3 <u>Health and Safety Plan</u>. A Site-specific Health and Safety Plan shall be prepared in accordance with federal (29 CFR 1910.120) and state (Title 8 CCR section 5192) regulations and shall describe the following:
 - (a) Field activities including work tasks, objectives, and personnel requirements and a description of hazardous substances on the Site;
 - (b) Respondent's key personnel and responsibilities;
 - (c) Potential hazards to workers including chemical hazards, biological hazards, physical hazards, confined spaces and climatic conditions;
 - (d) Potential risks arising from the work being performed and the mitigation measures for workers, the community, and the environment;
 - (e) Exposure monitoring plan;
 - (f) Personal protective equipment and engineering controls;
 - (g) Site controls including work zones and security measures;
 - (h) Decontamination procedures;
 - (i) General safe work practices;
 - (j) Sanitation facilities;

- (k) Standard operating procedures;
- DRAFT Emergency response plan for workers addressing potential (1)hazardous material releases;
- (m) Training requirements;
- Medical surveillance program; (n)
- (o) Record keeping.
- (p) General Site location with map;
- (q) Hospital location map; and
- (r) Lines of project management and health and safety authority.
- 2.2.5. Other Activities. A description of any other significant activities which are appropriate to complete the RI/FS shall be included.

2.3 RI REPORT

The purpose of the RI Report is to summarize the data collected necessary to adequately characterize the Site for the purposes of defining risks to public health and the environment and developing and evaluating effective remedial alternatives. The Respondent shall identify the sources of contamination and define the nature, extent, and volume of the contamination. Using this information, the contaminant fate and transport shall be evaluated. Report shall contain the following:

- (a) Introduction. An overview of the report, Site background information, the nature and extent of the problem(s), and a RI summary shall be included.
- (b) Study Area Investigation. A description of the field activities conducted as part of the Site characterization, including physical and chemical monitoring. The study area investigation section will include discussion of the surface features, human population survey, and any investigations concerning contaminant source, meteorology, surface water (and sediment), geology, soil and vadose zone, groundwater, and ecology.
- Site Physical Characteristics. Data on the physical characteristics of the Site and surrounding area collected during the field investigations described in the study area investigation section will be summarized and evaluated to the extent necessary to define potential transport pathways and receptor populations and to provide sufficient engineering data for development and screening of remedial action alternatives.



- (d) Sources of Contamination. Contamination sources (including heavily contaminated media) shall be defined. The data shall include the source locations, type of containment, waste characteristics, and Site features related to contaminant migration and human exposure.
- (e) Nature and Extent of Contamination. Contaminants shall be identified and the horizontal and vertical extent of contamination shall be defined in soil, soil gas, groundwater, surface water, sediment, air, and biota. Provide Iso concentration maps for all hazardous constituents in soil and groundwater. These maps shall be taken at several and appropriate depths.
- (f) Contaminant Fate and Transport. Spatial and temporal trends and the fate and transport of contamination shall be evaluated. If they are applicable estimation of contaminant persistence and migration in the study area environment and physical, chemical, and/or biological factors of importance for the media of interest will be described.
- (g) Summary and Conclusions.

2.4 FS WORKPLAN

Within 30 days from submittal of the RI Report, Respondent shall prepare and submit to the Department for review and approval a detailed FS Workplan and implementation schedule which covers all the activities necessary to conduct a complete FS of the Site and any offsite areas where there is a release or threatened release of hazardous substances from the Site. The FS Workplan shall include for any alternative which includes excavation, the consideration of relocation. Temporary relocation may be necessary based on results of the risk assessment, field observations, sampling results, and/or health and safety reasons. The FS Workplan shall consider remedial options using institutional controls (such as land use restrictions) to ensure land use scenarios other than that residential land use, (e.g., restoration to open space).

The FS Workplan shall include the following:

- (a) Background information;
- (b) Identification of alternatives;
- (c) Remedial action objectives including cleanup targets for each media;
- (d) Conceptual descriptions of each alternative and its components;
- (e) Schedule and cost; and
- (f) Treatability studies, if necessary to demonstrate implementability and effectiveness of a remedial technology.

- DRAFT

At the request of the Department, the Respondent shall submit an interim document which identifies and evaluates potentially suitable remedial technologies and recommendations for treatability studies. Treatability testing will be performed by the Respondent to develop data for the detailed remedial alternatives.

Treatability testing is required to demonstrate the implementability and effectiveness of technologies, unless the Respondent can show the Department that similar data or documentation or information exists. The required Deliverables are: a Workplan, A SAP, and a Treatability Evaluation Report. To the extent practicable, treatability studies will be proposed and implemented during the latter part of Site characterization.

- 2.5 <u>Feasibility Study Report</u>. The FS Report shall be prepared and submitted by the Respondent to the Department for review and approval, no later than thirty (30) days from approval of the FS Workplan. The FS Report shall summarize the results of the FS including the following:
- (a) Purpose;
- (b) Background information (summarized from the RI Report) describing the Site and its history, nature and extent of release, contaminant fate and transport, and Baseline Risk Assessment;
- (c) Documentation of all treatability studies conducted;
- (d) Development of medium specific remedial action objectives (and cleanup targets for each medium), including ARARs;
- (e) Identification and screening of general response actions, remedial technologies, and process options on a medium specific basis;
- (f) Evaluation of alternatives based on the criteria contained in the NCP and Health and Safety Code Section 25356.1 including:
 - (1) The Threshold Criteria of overall protection of human health and the environment and compliance with all ARARs.
 - (2) The Primary Balancing Criteria of long-term effectiveness and permanence; reduction of toxicity, mobility, or volume through treatment; short-term effectiveness; implementability based on technical and administrative feasibility and cost.
 - (3) The modifying criteria of State and local agency acceptance and community acceptance.

TASK 3.0 BASELINE RISK ASSESSMENT

The Respondent shall submit a Baseline Risk Assessment with respect to exposure of hazardous substances found at the Site. The

Baseline Risk Assessment shall be prepared consistent with U.S. EPA and Department guidance and regulations, including as a minimum:

Data Quality Objectives for Remedial Response Activities, EPA/540/G-87/004 (USEPA 1987);

RCRA Facility Investigation (RFI) Guidance, EPA/530/SW-89-031,
(USEPA 1989);

Air/Superfund National Technical Guidance Series: Volume III - Estimation of Air Emissions During Cleanup Activities on Superfund Sites, EPA/450/1-89/003 (USEPA 1989);

Guidance for Data Useability in Risk Assessment, EPA/540/G-90/008, (USEPA 1990);

Human Health Evaluation Manual, Supplemental Guidance, Standard Default Exposure Factors, USEPA Office of Solid Waste and Emergency Response (OSWER) Directive 9285.6-03, March 25, 1991 (USEPA 1991);

Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation Manual, (Part A), EPA/540/1-89/002;

Supplemental Guidance to RAGS: Calculating the Concentration Term, May 1992, OSWER Publication 9285.7-081 (USEPA 1992);

Supplemental Guidance for Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities, OSA, July 1992 (DTSC 1992); and

Preliminary Endangerment Assessment Guidance Manual, January 1994 (DTSC 1994).

3.1 BASELINE RISK ASSESSMENT (BASELINE HRA) WORKPLAN

The Baseline HRA Workplan shall set forth the methodologies to be used, analyze the sufficiency of the data currently available, and provide an investigation plan for obtaining additional data, if necessary. A schedule shall be included which provides specific time frames and dates for completion of each activity and report included in the Baseline HRA Workplan.

- 3.1.1 Conceptual Model. The Baseline HRA Workplan should include the conceptual model of the Site, including a diagram to aid the lay reader. The conceptual model should describe the Site as a single entity, and include all known waste management units as well as all other areas in which hazardous substances are known or suspected to be deposited. The model should, at a minimum, consist of the following components:
- (a) All contaminant sources;
- (b) All potential contaminant migration pathways;

- (c) All potential human and environmental receptors, current and future; and
- (d) All contaminants (hazardous constituents) of concern.
- 3.1.2 <u>QA/QC</u>. All chemicals detected during site sampling activities should be addressed in the site assessment. All site sampling data should be critically evaluated using those procedures outlined in <u>Guidance for Data Useability in Risk Assessment</u>, EPA/540/G-90/008, USEPA, 1990.
- 3.1.3 <u>Data Organization</u>. The Baseline HRA Workplan should state that the data will be organized according to those relevant environmental units which may serve as current or future media of exposure (e.g., soil) or serve as reservoirs for contamination of other media (e.g., soil gas) as identified in the Conceptual Model. The data should be assembled into an electronic database, which allows retrieval of data points and identification of data source, all qualifiers, contaminated medium, and temporal and spatial characteristics. This database should be constructed so that it may be manipulated in order to identify all data associated with the waste management units identified in the Conceptual Model..
- 3.1.4 <u>Selection of Compounds of Concern</u>. If a subset of those chemicals identified during site sampling activities is selected for quantitative risk assessment, those procedures for selection outlined in current Department guidance (DTSC 1992) should be utilized. The Baseline HRA Workplan should state that the quantitative results used in chemical selection, all statistical methodologies employed, and the list of chemicals selected for quantitative risk assessment for each medium of exposure should be submitted for Department review and approval prior to the submission of the risk assessment report.
- 3.1.5 Methodologies. Calculation of the concentration term to be used in risk assessment should be conducted for all media of exposure using accepted environmental methodologies for estimation of the mean and standard deviation of environmental data sets. Certain methodologies presented in Gilbert, R.O., Statistical Methods for Environmental Pollution Monitoring, Van Nostrand Reinhold, New York, New York (1987) are approved by USEPA and Department. These are presented in the document Supplemental Guidance to RAGS: Calculating the Concentration Term, May 1992, OSWER Publication 9285.7-081.
- 3.2 BASELINE RISK ASSESSMENT (BASELINE HRA) REPORT

The Baseline HRA Report shall be prepared in accordance with the Baseline HRA Workplan and shall include the following components:

3.2.1 <u>Site Description</u>. The site description shall include a history of the activities at the site, the conceptual

diagram of all historic waste management units and all other areas in which hazardous substances are known to be located. The conceptual model shall describe contaminants which might reasonably be expected to be associated with the described waste management units, their possible migration and transport pathways and the receptors that may be impacted.

- 3.2.2 <u>Environmental Sampling Data</u>. The environmental sampling data from all media confirming or denying the existence of possible contaminants from historic waste management units shall be assembled into an electronic data base which allows retrieval of data points and identification of data source, all qualifiers, contaminated medium, and temporal and spatial characteristics.
- 3.2.3 <u>Environmental Evaluation</u>. An ecological assessment consisting of:
- (a) Identification of sensitive environments, potential receptors, and rare, threatened, or endangered species and their habitats; and
- (b) As appropriate, ecological investigations to assess the actual or potential effects on the environment and/or develop remediation criteria.
- 3.2.4 Exposure Assessment. The environmental sampling data associated with various migration and transport pathways to biological receptors shall be organized into activity scenarios, which may then be assembled into patterns incorporating several activities and exposures estimated. If exposure point concentrations are needed at points different from locations where environmental sampling occurred, models that are anticipated to be used should be submitted in electronic data format as well as in the text of the report.
- 3.2.5 <u>Toxicity Assessment</u>. The Baseline HRA Report shall contain an evaluation of the potential adverse health or environmental effects associated with individual and multiple chemical exposures, including immunotoxicity, reproductive, and developmental defects, the relationship between magnitude of exposures and adverse effects, and related uncertainties such as the weight of evidence for a chemical's potential carcinogenicity in humans.
- 3.2.6 Risk Characterization. The Baseline HRA Report shall characterize the potential risks for each of the activities and patterns described in the Exposure Assessment associated with individual and multiple chemical exposures. The Baseline HRA Report shall also characterize the potential risks to ecological receptors.
- 3.2.7 <u>Summary</u>. The summary shall summarize the information presented in the preceding sections, and discuss uncertainties in the analysis.



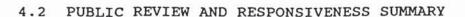


The RAP shall be based on and summarize the approved RI and FS Reports, and shall clearly set forth all of the items listed below:

4.1 DRAFT RAP

The draft RAP shall include the following items:

- (a) Background information describing the Site, its history, current conditions, nature and extent of release, previous studies and any interim remedial measures implemented.
- (b) Summary of RI findings with regard to geology, hydrogeology, air, and ecology.
- (c) Health and safety risks posed by the conditions at the Site including toxicological characteristics of Site contaminants, and quantitative risk characterization.
- (d) The effect of contamination or pollution levels upon present, future, and probable beneficial uses of contaminated, polluted, or threatened resources.
- (e) The effect of alternative remedial action measures on the reasonable availability of groundwater resources for present, future, and probable beneficial uses.
- (f) Summary of FS findings, including RA goals and alternatives and evaluation criteria.
- (g) The potential environmental impacts of alternative remedial action measures, including, but not limited to, land disposal of the untreated hazardous substances as opposed to treatment of the hazardous substances to remove or reduce its volume, toxicity, or mobility prior to disposal.
- (h) The recommended alternatives for action, including statement of reasons setting forth the basis for the removal and remedial action selection. The statement shall include an evaluation of each proposed alternative submitted and evaluate the consistency of the removal and remedial actions proposed by the plan with the federal regulations and factors specified in subdivision (d) of Health and Safety Code Section 25356.1. The statement shall also include a proposed Nonbinding Preliminary Allocation of Responsibility (NBAR) for Respondent.
- (i) A schedule for implementation of all proposed remedial actions.
- (j) Cost-effectiveness of alternative remedial action measures.





In conjunction with the Department, Respondent shall implement the public review process specified in Health and Safety Code section 25356.1(e)(1), et seq. Within fifteen (15) days of closure of the public comment period, Respondent shall submit a written Responsiveness Summary of all written and oral comments presented and received during the public comment period.

4.3 FINAL RAP

Following the Department's review and finalization of the Responsiveness Summary, the Department will specify any changes to be made in the RAP. The Respondent shall modify the document in accordance with the Department's specifications and submit a final RAP within fifteen (15) days of receipt of the Department's comments.

TASK 5.0 RD

The RD shall describe, in detail, the technical and operational plans for implementation of the final RAP which includes the following elements, as applicable.

5.1 DRAFT DESIGN REPORT

- (a) Design drawings, specifications and calculations;
- (b) General design concept and criteria of facilities to be constructed;
- (c) Description of existing facilities and identification of any that will be altered, destroyed, or abandoned during construction;
- (d) Description of off-site facilities required or affected;
- (e) Analysis/discussion of performance standards, and how they have been incorporated into the design; and
- (f) Design parameters dictated by the performance standards and ARARs.

5.2 FINAL DESIGN REPORT

The Final Design Report represents the 100% design, and shall include the basic information described for the Draft Design Report in addition to the following:

5.2.1 <u>Facilities Construction Plan</u>. The Facilities Construction Plan shall include the design criteria, process unit and pipe sizing calculations, process diagrams, and final plans and specifications for facilities to be constructed. For groundwater extraction systems: aquifer test results, capture zone calculations, specifications for extraction and

performance monitoring wells, and a plan to demonstrate that capture is achieved.

- 5.2.2 Equipment Description. Description of equipment used to excavate, handle, and transport contaminated material.
- 5.2.3 <u>Field Sampling and Laboratory Analysis</u>. A field sampling and laboratory analysis plan addressing sampling during implementation and to confirm achievement of the performance objectives of the RAP.
- 5.2.4 <u>Transportation Plan</u>. A transportation plan identifying routes of travel and final destination of wastes generated and disposed.
- 5.2.5 <u>Updated Health and Safety Plan</u>. An updated health and safety plan addressing the implementation activities.
- 5.2.6 <u>Permits and Agreements</u>. Identification of any necessary permits and agreements.
- 5.2.7 Operation and Maintenance Plan. An operation and maintenance plan including any required monitoring.
- 5.2.8 <u>Schedule</u>. A detailed schedule for implementation of the remedial action consistent with the schedule contained in the approved RAP including procurement, mobilization, construction phasing, sampling, facility startup, and testing.

TASK 6.0 RA

6.1 IMPLEMENTATION REPORT

Respondent shall submit an Implementation Report documenting the implementation of the final RAP and RD. The Implementation Report shall include, but not be limited to, the following:

- (a) Overall description of the work undertaken, including objectives, period of operation, and performance standards;
- (b) Description of construction and all associated facilities, appurtenances and piping;
- (c) As-built plans and specifications;
- (d) QA/QC records;
- (e) Summary of any modifications implemented by Technical Memoranda; and
- (f) Demonstration that all obligations under this SOW and Consent Order have been satisfactorily completed or achieved by Respondent in accordance with the Consent Order.

TASK 7.0 CEQA



The Respondent shall submit an Initial Study, associated checklist, and discussion of mitigation methods (if any) as required by CEQA, concurrent with submittal of the draft RAP specified in Section ____, or when notified by the Department that an activity required by this order requires CEQA compliance. Based on the results of the Initial Study, the Department will determine if a Negative Declaration or Environmental Impact Report ("EIR") should be prepared. If the Department believes that an EIR is necessary, it may contact the Respondent prior to the submittal of the draft RAP to identify the necessary tasks and schedule the preparation and finalization of the EIR.

TASK 8.0 SITE MAINTENANCE

Respondent shall submit an evaluation of site maintenance needs at the Site while the RI/FS through RA phases of the project are being conducted. The analysis will evaluate at a minimum, the following site maintenance items, and make recommendations regarding methods and frequency (weekly, monthly, yearly, etc.):

- (a) Site grading;
- (b) Erosion control;
- (c) Ponding control;
- (d) Electrical repair;
- (e) Lighting repair;
- (f) Structure repair or removal;
- (g) Water system repair (potable and non-potable);
- (h) Access improvement;
- (i) Fence repair.

At no time will hazardous waste, generated during these phases of the project, remain on-site for longer than thirty (30) days.

8.1 SITE MAINTENANCE WORKPLAN

Respondent shall submit a Workplan that documents the approach required to undertake the recommended site maintenance activities identified in sub-task 10.1. The Workplan will include a detailed schedule, a detailed cost estimate, and a Health and Safety Plan (HSP).

TASK 9.0 ROUTINE MONITORING

Respondent shall comply with the Operation and Maintenance requirements in accordance with the final RAP and RD

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

1011 N. GRANDVIEW AVENUE GLENDALE, CA 91201 (818) 551-2800

August 12, 1994



HAND DELIVERED

CERTIFIED MAIL

Mr. Dennis O'Meara, President Omega Chemical Corporation/Omega Refrigerant Recovery Mr. Mitch Lukas Chief Financial Officer Omega Refrigerant Recovery 12504 East Whittier Boulevard Whittier, CA 90604

Dear Messrs. O'Meara and Lukas,

REPORT OF VIOLATION/REQUEST FOR INFORMATION

On August 5, 1994, Dionisia Rodriguez and I inspected your facility as part of the ongoing order by Judge Ernest Williams of the Los Angeles County Superior Court that Omega Chemical Corp./Omega Refrigerant Recovery (Omega) remain closed for business.

During the course of the inspection, violations of the hazardous waste statutes and regulations were observed.

The specific violations and required corrective action is listed below.

I. VIOLATIONS:

Count 1: Health and Safety Code (HSC), section 25143.9(a).
Labeling Requirements For Recyclable Materials.

Omega failed to mark, label and placard approximately 200 containers of waste chlorofluorocarbons (CFC's) and hydrochlorofluorocarbon (HCFC's) with the required language of this statute. These containers ranged in size from 30 lb. to 1 ton cylinders and 20 to 55 gallon drums.

Count 2: HSC, section 25143.9(b). Business Plans For Facilities That Handle Recyclable Materials.

Omega failed to produce a business plan which specifically addresses the CFC and HCFC recycling operations.

Messrs. O'Meara and Lukas August 12, 1994 Page 2

II. SCHEDULE FOR COMPLIANCE

1. Correct violations upon receipt of this Report.

Omega shall submit a written certification which contains the language in Title 22, California Code of Regulations, section 66270.11 (d), to this office within 30 calendar days of receipt of this Report, that the violations have been corrected.

In addition, in accordance with HSC section 25143.2(f)(1)(A), please identify by name, address and telephone number any and all producers of spent CFC's and HCFC's that shipped this same material to Omega for recycling during the past three years. Please provide copies of all documents used for the shipping of this material by these producers to Omega for the past three years. Include all documents relating to shipping of recycled materials and any waste generated as a result of the refrigerant recycling operations from Omega for the past three years.

In accordance with HSC Section 25143.2(f)(1)(B), please provide all documents relating to the management and recycling of CFC's and HCFC's at Omega for the last three years.

The issuance of this Report of Violations and Schedule for Compliance/Request for Information does not preclude the Department from taking administrative, civil or criminal action as a result of the violations noted herein. Failure to correct the identified violations within the schedule provided will result in the Department citing Omega for continuing additional violations.

If you have any questions regarding this Report, please contact me at (818) 551-2914.

Sincerely,

Paul Baranich Unit Chief

Certified Mail P 142 991 918 (Return Receipt Requested)

cc: See next page

Messrs. O'Meara and Lukas August 12, 1994 Page 3

cc: Mr. Robert P. Hoffman
Chief Counsel
Office of Legal Counsel
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Sacramento, CA 95812-0806

Ms. Colleen Murphy
Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
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Sacramento, CA 95812-0806

Ms. Mary Locke, Chief Criminal Investigations Branch Department of Toxic Substances Control P. O. Box 806 Sacramento, CA 95812-0806

Mr. Larry Matz Acting Chief HQ's Surveillance and Enforcement Branch Department of Toxic Substances Control P. O. Box 806 Sacramento, CA 95812-0806

Mr. Tim Sillivan Waste Compliance Branch (H-4-1)
U. S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Ms. Ann Tsuda Division Chief Health Hazardous Materials Division Los Angeles County Fire Department 5825 Rickenbacker Road Commerce, CA 90040

Mr. Robert P. Ghirelli Executive Officer California Regional Water Quality Control Board Los Angeles Region 101 Centre Plaza Drive Monterey Park, CA 91754-2156 Messrs. O'Meara and Lukas August 12, 1994 Page 4

cc: Ms. Antonette Cordero
Deputy Attorney General
Environmental Law Section
Department of Justice
300 South Spring Street
North Tower, 11th Floor
Los Angeles, CA 90013

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

1011 N. GRANDVIEW AVENUE GLENDALE, CA 91201 (818) 551-2800



September 21, 1994

HAND DELIVERED

Mr. Dennis O'Meara, President Omega Refrigerant Reclamation Corp. Mr. Mitch Lukas Chief Financial Officer Omega Refrigerant Reclamation Corp. 12504 East Whittier Boulevard Whittier, CA 90604

Dear Messrs. O'Meara and Lukas,

REPORT OF VIOLATION/REQUEST FOR INFORMATION

On August 5, 1994, Dionisia Rodriguez and I inspected your facility as part of the ongoing order by Judge Ernest Williams of the Los Angeles County Superior Court that Omega Chemical Corp. and Omega Refrigerant Reclamation Corp. (Omega) remain closed for business.

At that time, Omega was in violation of storing spent chlorofluorocarbons (CFC's) and spent hydrochlorofluorocarbons (HCFC's) at its facility in 30 lb., 50 lb., 145 lb., 1/2 ton and 1 ton cylinders which were not labeled in accordance with the requirements of Health and Safety Code (HSC), section 25143.9(a). In addition Omega was in violation of the requirements of HSC, section 25143.9(b) in that Omega did not have a business plan on file that specifically addressed the refrigerant recycling activities. Omega responded to the Department in a letter dated September 13, 1994 that the above violations were being addressed.

On September 20, 1994, the Department received a letter from Omega signed by Dennis O'Meara, attached to which was a business plan that was reviewed by the Department. This plan is deficient for a number of reasons including the lack of inventory amounts and types of hazardous waste (both CFC/HCFC and Omega Chemical waste) currently in storage at the facility; home addresses of emergency coordinator and designated alternates is missing; home phone numbers of alternates are missing; Section VI is incomplete and the materials inventory sheets for the CFC's and HCFC's are missing pertinent information. This plan needs to be corrected and resubmitted to the Department.

In accordance with HSC section 25143.2(f)(1)(A), please identify by name, address and telephone number any and all producers of spent CFC's and HCFC's that shipped this same material to Omega for recycling during the past three years. Please provide copies of all documents used for the shipping of this material by these producers to Omega for the past three years. Also include

Messers. O'Meara and Lukas September 21, 1994 Page 2

copies of all documents relating to the shipping of recycled materials from Omega to customers and copies of documents for any hazardous waste generated as a result of the refrigerant reclamation operations at Omega and shipped offsite for the past three years. This information shall be submitted to the Department no later than September 30, 1994.

The issuance of this Report of Violations/Request for Information does not preclude the Department from taking administrative, civil or criminal action as a result of the violations noted herein.

If you have any questions regarding this Report, please contact me at (818) 551-2914.

Sincerely,

Paul Baranich Unit Chief

Statewide Compliance Division

cc: Mr. Robert P. Hoffman
Chief Counsel
Office of Legal Counsel
Department of Toxic Substances Control
P. O. Box 806
Sacramento, California 95812-0806

Ms. Mary Locke, Chief Criminal Investigations Branch Department of Toxic Substances Control P. O. Box 806 Sacramento, California 95812-0806

Mr. Larry Matz, Chief HQ's Statewide Compliance Division Department of Toxic Substances Control P. O. Box 806 Sacramento, California 95812-0806 Messers. O'Meara and Lukas September 21, 1994 Page 3

CC: Mr. Tim Sullivan
Waste Compliance Branch (H-4-1)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Ms. Ann Tsuda Division Chief Health Hazardous Materials Division Los Angeles County Fire Department 5825 Rickenbacker Road Commerce, California 90040

Mr. Robert P. Ghirelli Executive Officer California Regional Water Quality Control Board Los Angeles Region 101 Centre Plaza Drive Monterey Park, California 91754-2156

Ms. Theodora Berger
Assistant Attorney General
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Los Angeles, California 90013

Ms. Antonette Cordero
Deputy Attorney General
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Department of Justice
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North Tower, 11th Floor
Los Angeles, California 90013

DEPARTMENT OF TOXIC SUBS NCES CONTROL (REGION 3)
1405 N. SAN FERNANDO BOULEVARD, SUITE 300
BURBANK, CA 91504
(818) 567-3000



August 23, 1991

CERTIFIED MAIL

Mr. Dennis O'Meara Omega Chemical, Inc. 12504 East Whittier Blvd. Whittier, CA 90602

Dear Mr. O'Meara:

REPORT OF VIOLATION AND SCHEDULE OF COMPLIANCE (CAD042245001)

On July 18, 1991, Mike Eshaghian, representing this Department conducted an inspection of your facility necessary for his review of your Operation Plan (Part B) Permit Application. As a result of this inspection, violations of Omega's approved Part A application dated October 7, 1980 and Interim Status Document (ISD) dated October 6, 1981 were identified. The specific violations and required corrective action are provided below:

- 1. The approved Part A application indicates a tank storage capacity of 25,000 gallons (five, 5,000-gallon tanks). However, observations during the July 18, 1991 inspection and review of the Omega's proposed Operation Plan (OP) dated October 29, 1990 indicate that Omega has a hazardous waste storage capacity in the authorized area of at least 49,400 gallons (based on OP, see Attachment 1). Approximately 60,000 gallons of hazardous wastes are also being stored in tanks in the unauthorized area of the property. This is a violation of the approved Part A and ISD Section I.4(c), as well as Division 20, Health and Safety Code (H&SC), Section 25189.5(d), Title 22, California Code of Regulations (22 CCR), Section 66270.71(a)(3) and Title 40, Code of Federal Regulations (40 CFR), Section 270.71(a)(3).
- 2. The approved Part A application gives the following description of treatment capacity:

One Thin Film Evaporation Unit 300 gallon/hr capacity and six distillation units combined 240 g/hr capacity with dimensions and capacities as follows:

Mr. Dennis O'Meara Omega Chemical Inc Page 2

```
Distillation column
Distillation column
Distillation column
Distillation column
Distillation column
Distillation column
Steam Distillation Unit
Distillation column
Distillation Unit
Distillation column
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However, in reviewing the operation plan combined with the inspection of Omega facility, the Department identified treatment units (Attachment 2) with combined distillation capacity of 400 gallons/hr and thin film evaporation units capacity of 600 gallons/hr. None of these units match the dimensions of the units listed in your approved Part A. In addition, you have added a number of hazardous waste treatment units that were not listed in your approved Part A. These are violations of the ISD Section I.4(b) & (c), as well as H&SC 25189.5(d), 22 CCR 66270.71(a)(2) & (3), and 40 CFR 270.71(a)(2) & (3). The ISD prohibits: (1) employing processes not described in the application; (2) making substantial modifications or additions to the facility.

- 3. During the permit inspection, Dennis O'Meara stated that the tank identified as "Cindy" is used to store and/or treat lithium bromide. Department inspectors observed that this tank had a leaking valve. Lithium bromide is classified as a hazardous waste by the State of California and the Federal Environmental Protection Agency (EPA) because of it's toxic and corrosive characteristics. It is not identified in the approved Part A. This is a violation of the ISD Section I.4(a), H&SC 25189.5(d), 22 CCR 66270.71(a)(1), and 40 CFR 270.71(a)(1). The ISD prohibits treatment, storage, or disposal of hazardous wastes which are not identified in the Part A.
- 4. During the permit inspection, a pressurized tank labeled "Kimmy" located west of the tank identified as "Paul" showed on the pressure gauge a reading of 20 psi. You indicated that this tank and another unlabeled tank located adjacent to "Kimmy" are receiving tanks for chlorofluorocarbons (CFC's) waste. These tanks were not identified in the approved Part A. This is a violation of ISD Section I.4(c), 22 CCR 66270.71(a)(2) & (3), and 40 CFR 270.71(a)(2) & (3). Omega did not identify these tanks in the proposed OP Permit Application, H&SC 25189(2)(a), 22 CCR 66270.43(a)(2), and 40 CFR 270.43(a)(2).
- 5. The secondary containment dike wall around the five 5000-gallon tanks in the authorized area has visible

Mr. Dennis O'Mear Omega Chemical Inc. Page 3

vertical cracks. There are four 2-inch pipe openings on the dike walls, which make the secondary containment structure ineffective. In addition, the secondary containment calculations provided in the OP for this area have not accounted for the property slope and are not accurate. The above containment area is deficient and spills cannot be contained. Omega is in violation of ISD Section II.1(d) and II.2(a) & (c), 22 CCR 66265.193, and 40 CFR 265.193.

- 6. The five 5000-gallon storage tanks were relocated next to the warehouse. The facility did not notify the Department of this change. This is a violation of the ISD Section II.2(c) which states prior to use, new, replacement, and repaired hazardous waste storage tanks and their appurtenances shall be certified by an engineer registered in California to be structurally sound and of adequate construction for the intended use. Omega is in violation of 22 CCR 66265.192 and 40 CFR 265.192.
- 7. The fire door between the authorized and unauthorized areas located in the warehouse is not operable and is badly damaged. It is also obstructed with drums. Omega is in violation of ISD Section I.1(a) and III.8, 22 CCR 66265.33, and 40 CFR 265.33.
- 8. There is no separation, buffer zone and/or containment of non-compatible waste in the warehouse or any other storage area in the facility. This is in violation of ISD Section VIII.6(c) and II.2(a), 22 CCR 66265.177, and 40 CFR 265.177. The facility has misrepresented this fact in the OP submittal, H&SC 25191(a), 22 CCR 66270.43(a)(2), and 40 CFR 270.43(a)(2).
- 9. None of the hazardous waste storage tanks have adequate containment walls. The property dike wall can not be used for this purpose. This is in violation of ISD Section II.2(a), 22 CCR 66270.193, and 40 CFR 270.193. The facility has misrepresented this fact in the proposed OP submittal, H&SC 25191(a), 22 CCR 66270.43(a)(2), and 40 CFR 270.43(a)(2).
- 10. Omega is storing and/or treating hazardous waste in areas where the electrical wiring and connections do not meet National Electrical Codes for flammability and combustibility. This may cause or contribute to a fire. This is in violation of ISD Section III.8 & VII.5(a)(2), 22 CCR 66265.17 & 66265.31, and 40 CFR 265.17 & 265.31. Omega also misrepresented this fact in the proposed OP submittal, H&SC 25191(a).

Mr. Dennis O'Mear Omega Chemical Inc. Page 4

- 11. During the inspection, it was observed that hazardous waste was stored in a drum that was badly damaged. This is in violation of ISD Section VIII.1, 22 CCR 66265.171, and 40 CFR 265.171.
- Section 2.3, Appendix 5 of the Omega Operation Plan dated 12. October 29, 1990 states, "All facility tanks are closed top models and are equipped with vapor control emission systems to reduce vapor losses resulting from tank breathing." information is false and has been misrepresented to the Department, H&SC 25191(a), 22 CCR 66270.43(a)(2), 40 CFR 270.43(a)(2). Almost none of the tanks that were inspected had any kind of vapor emissions control. In fact, a number of storage tanks (Carrie, Elaine, Connie, and Sandee) were open and had electrical lines passing through the lid and the top of the tanks, which would make it impossible to completely close the tanks. This causes release of hazardous waste or hazardous waste constituents to the air which could threaten human health and the environment. This is a violation of ISD Section III.8, 22 CCR 66265.31, and 40 CFR 265.31.
- 13. Omega's employees do not wear adequate protective equipment while handling hazardous wastes. Facility employees were not wearing hard hats or respiratory protection during the sampling of unknown hazardous wastes. This is in violation of the ISD Section II.16 and I.1(a) & (c).
- 14. Department staff have reviewed the hazardous waste treatment processes described in Omega's Part B application and Omega's justification for classifying hazardous wastes stored in the unauthorized site as Omega generated wastes. It is the Department's determination that Omega is not the original producer of these wastes, therefore the wastes (approximately 2000 drums) can not be stored in the unauthorized site. This is a violation of H&SC 25189.5(d).
- There are six 10,000 gallon storage tanks in the 15. unauthorized area. Laboratory analysis of the materials stored in these tanks on July 18, 1991, demonstrate that these materials are not rain water as stated by Mr. O'Meara during the July 18, 1991 inspection and on several other occasions. It is the Department's determination that these tanks contain hazardous wastes that have not been adequately identified or labeled. The tanks are in an unauthorized area of the facility and do not meet the minimum standards for hazardous waste storage tanks. These tanks have been illegally installed and used. This is in violation of H&SC 25189.5(d). You have knowingly misrepresented the facts by making false statements to the Department representatives, H&SC 25191(a), 22 CCR 66270.43(a)(2), and CFR 270.43(a)(2).

Mr. Dennis O'Meara Omega Chemical Inc. Page 5

You are only authorized to store/treat hazardous waste that has been identified in your original Part A and ISD and only with the equipment listed in your original Part A.

Omega is required to:

- Immediately cease any unauthorized activities that are in violation of approved Part A and ISD.
- ii. Remove all the off-site hazardous waste drums from the unauthorized site. These wastes and the wastes in the tanks in the unauthorized site must be legally transported and treated by a permitted treatment and storage facility within 90 days.
- iii. Within 30 days from the date of this letter, submit a Closure Plan for all storage and/or treatment units that were not listed in the original Part A and ISD. Submit a revised Closure Plan and financial assurance for the rest of the facility in accordance with 22 CCR 66264.142 & 66265.143 and 40 CFR 66264.142 & 66264.143.
- iv. Repair the secondary containment area for the five 5000gallon tanks and within 30 days, submit a certification
 along with design calculations by a certified engineer to
 indicate the integrity and suitability of usage of these
 tanks and any other authorized storage and/or treatment
 units and their appurtenant structures for hazardous wastes
 in accordance with 22 CCR 66264.191 & 66264.192 and 40 CFR
 264.191 & 264.192. Also, provide copies of all the permits
 Omega has received from any local, state and federal agency
 for the tanks and treatment units.
- v. Within 30 days from the date of this letter provide a certification by an electrical contractor that all electrical wiring and equipment meet National Electrical Code. Indicate all the areas that the electrical contractor has certified.

Failure or delay in complying with the above requirements may result in civil, administrative or criminal action against Omega.

Mr. Dennis O'Meara Omega Chemical Inc. Page 6

Please contact Florence Pearson of this office with any questions you may have (818) 567-3100.

Sincerely,

Scott Simpson, Chief

Facilities Management Branch

Certified Mail 84896 Return Receipt Requested

Enclosure

cc: Mr. William Soo Hoo
Assistant Chief Counsel
Toxic Legal Office
Department of Toxic Substances Control
400 P Street
P.O. Box 806
Sacramento, CA 95812-0806

Ms. Mary Locke, Chief Office of Local Enforcement Department of Toxic Substances Control 400 P Street P.O. Box 806 Sacramento, CA 95812-0806

Mr. Don Johnson, Chief
HQ's Surveillance and Enforcement Section
Department of Toxic Substances Control
400 P Street
P.O. Box 806
Sacramento, CA 95812-0806

Mr. Anastacio Medina, Chief Hazardous Waste Control Program Los Angeles County Department of Health Services 2615 S. Grand Avenue, Room 607 Los Angeles, CA 90007 Mr. Dennis O'Meara Omega Chemical Inc. Page 7

Ms. Antonette Cordero
Deputy Attorney General
Environmental Law Section
Office of the Attorney General
300 S. Spring Street, Suite 500
Los Angeles, CA 90013

Mr. David Gutham
Deputy District Attorney
Environmental Crimes/OSHA Division
320 W. Temple Street, Room 340
Los Angeles, CA 90012

Mr. Tom Kelly U.S. Environmental Protection Agency Region IX 75 Hawthorne Street San Francisco, CA 91504

Attachment 1

APPENDIX D.1

CURRENT STORAGE TANKS

Storage Facilities

These are all stainless steel tanks. They are all identified in (Figure II-7)

Present

CONFIDENTIAL

STORAGE #A- 10000 Gallon STORAGE #B- 10000 Gallon STORAGE #C- 10000 Gallon STORAGE #D- 10000 Gallon STORAGE #E- 10000 Gallon STORAGE #F- 10000 Gallon

Location: Figure 11

Dimension: See Appendix D

Present

5500 Gallon HEIDI -JENNY -3500 Gallon SANDEE -2000 Gallon ELAINE - 2000 Gallon CARRIE - 2000 Gallon CONNIE -2000 Gallon AMY -650 Gallon SUSAN -500 Gallon PEGGY -750 Gallon 1300 Gallon SHEILA -CINDY - 1200 Gallon LINDA -500 Gallon DIANE -500 Gallon LOUDY -500 Gallon 750 Gallon RAQUEL -FARRAH -750 Gallon

Location: Figure 11

Dimension: See Appendix D

APPENDIX D.1

CURRENT STORAGE TANKS

CONFIDENTIAL

(CONTINUED)

The Following are Carbon Steel Tanks

- STORAGE #1- 5,000 Gallon
- · STORAGE #2- 5,000 Gallon
- · STORAGE #3- 5,000 Gallon
- · STORAGE #4- 5,000 Gallon
- · STORAGE #5- 5,000 Gallon

Location: Figure 11

Dimension: See Appendix D

Attachment 2

APPENDIX D.3

CONFIDENTIAL SENTIRE SECTION

CURRENT TREATMENT UNITS

FAT JACK -

Location: (Figure II-7)

Dimension: It is 36 feet wiped film processor manufactured 1979 by

Pfuadler. It is all stainless steel.

KIRK-

Location: (Figure II-7)

Dimension: 20 foot by 1 foot distillation column. It is all stainless

steel.

PAUL-

Location: (Figure II-7)

Dimension: It is 350 Gallon pressure vessel with 30 foot by 8 inches

distillation column. It is all stainless steel.

CRAIG-

Location: (Figure II-7)

Dimension: It is 500 Gallon pressure vessel with 20 foot by 8 inch

diameter distillation column. It is all stainless steel.

NEAL-

Location: (Figure II-7)

Dimension: It is 50 Gallon glass lined reactor. It is manufactured by

Pfuadler Corporation.

JAKE-

Location: (Figure II-7)

Dimension: It is 13.5 feet wiped film processor manufactured 1983

by Pfuadler.' It is all stainless steel.

MORK-

Location (Figure II-7)

Dimension:It is 1000 Gallon pressure vessel with 20 feet by 1 foot

diameter distillation column. It is all stainless steel.

APPENDIX D.3

CURRENT TREATMENT UNITS

(CONTINUED)

PETE-

Location: (Figure II-7)

Dimension:It is 2500 Gallon Pressure vessel with 20 foot by 1 foot distillation column. It is also stainless steel.

LIQUID EXTRACTION -

Location: (Figure II-7)

Dimension: This unit can perform liquid liquid extraction where two different liquids can exchange both physical and chemical properties through the liquid liquid extraction method.

PATRICK -

Location (Figure II-7)

Dimension: It is a 36 feet wiped film processor. It is all stainless steel.

SOLIDS GRINDING UNIT -

Location (Figure II-7)

Dimension: This unit grinds compatible solid waste to a pumpable liquid form. When in a liquid form it can be treated by other treatment units or be shipped off site to an another treatment facility in its liquid state.

DEPARTMENT OF HEALTH SERVICES

TOXIC SUBSTANCES CONTROL PROGRAM (REGION 3) 1405 N. SAN FERNANDO BOULEVARD, SUITE 300 BURBANK, CA 91504 (818) 567-3000



July 9, 1991

CERTIFIED MAIL

Mr. Dennis O'Meara Omega Chemical Inc. 12504 East Whittier Blvd. Whittier, CA 90602

Dear Mr. O'Meara:

OPERATION PLAN (PART B) PERMIT APPLICATION REVIEW INSPECTION (CAD042245001)

This is in response to your letter dated July 2, 1991. The Department has not yet made the final permit determination. However, in the process of permit review and making the permit determination, I need to make an appointment to conduct a permit inspection.

Please let me know if you consent to this inspection by July 15, 1991.

Sincerely,

Mike Eshaghian

Mike M. Eshaghuin

Facility Permitting Branch

Certified Mail 84790 Return Receipt Requested

cc: Tom Kelly

U.S. Environmental Protection Agency

Region IX

75 Hawthorne Street

San Francisco, CA 94105

DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL PROGRAM (REGION 3)
1405 N. SAN FERNANDO BOULEVARD, SUITE 300
BURBANK, CA 91504
(818) 567-3000



February 6, 1991

CERTIFIED MAIL

Mr. Dennis O'Meara Omega Chemical Corporation 12504 East Whittier Boulevard Whittier, CA 90602

Dear Mr. O'Meara:

OMEGA CHEMICAL CORPORATION OPERATION PLAN (PART B) APPLICATION (CAD042245001)

On January 18, 1991 the Department of Health Services (Department) received three copies of the revised applications for Hazardous Waste Facility Permit dated October 29, 1990 for the Omega Chemical Corporation, Whittier facility (CAD042245001). These applications were routed through the Attorney General's office to the Department.

Two copies of the document were marked confidential and one copy was marked open to the public. Please note that to claim confidentiality, you must clearly indicate by marking "confidential" the specific items of information to which the claim applies. You must also submit a written substantiation of the claims by answering the following questions:

- 1. Which portions of the information do you claim are entitled to confidential treatment?
- 2. For how long is confidential treatment desired for this information?
- 3. What measures have you taken to guard against the undesired disclosure of the information to the others?
- 4. To what extent has the information been disclosed to others, and what precautions have been taken in connection with that disclosure?
- 5. Has EPA or any other government agency made a pertinent confidentiality determination? If so, include a copy of such determination or reference to it, if available.
- 6. Will disclosure of the information be likely to result in substantial harmful effects on your competition position? If so, what would these harmful effects be and why shall they be viewed as substantial? Explain the causal relationship between disclosure and the harmful effects.

Information covered by a confidentiality claim and the above substantiation will be disclosed by the Department only to the extent set forth in 40 CFR part 2 and California Health and Safety Code, Section 25173. If no claim of confidentiality and no substantiation is submitted within two weeks of the

Mr. Dennis O'Meara Page 2 February 6, 1991

date of this letter, Department may make the information available to the public without further notice to the Omega.

If you have any questions regarding your application please contact Mr. Yeaman of this office at (818) 567-3004.

Sincerely,

For Dennis A. Dickerson Regional Administrator

Seatt Singer

Certified Mail 848459 (Return Receipt Requested)

cc: Mr. Jim Brietlow

Permits Section

Hazardous Waste Management Division

U. S. Environmental Protection Agency
Region IX

75 Hawthorne Street (H-3-2)
San Francisco, CA 94105

Mr. Paul Blais, Chief Hazardous Waste Management Branch Toxic Substances Control Program 714/744 "P" Street P. O. Box 942732 Sacramento, CA 94234-7320

Ms. Chris Kinne Office of Permit Assistance Governor's Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814

DEPARTMENT OF HEALTH SERVICES

TOXIC SUBSTANCES CONTROL DIVISION (REGION 3)

1405 N. SAN FERNANDO BOULEVARD, SUITE 300

BURBANK, CA 91504 Tel: (818) 567-3000

Reg 3



October 5, 1989

Mr. Dennis O'Meara, President Omega Chemical Corporation 12504 East Whittier Blvd. Whittier, CA 90602

Dear Mr. O'Meara:

REPORT OF VIOLATION AND SCHEDULE FOR COMPLIANCE

On August 21 and 24 and September 7 and 18, 1989, Joseph Desai, Richard Jones, Paul Baranich and Matthew Peterson representing the Department of Health Services (DHS) conducted an inspection of Omega Chemical Corporation (Omega) located at 12504 East Whittier Blvd., Whittier, CA 90602 (EPA ID #CAD 042245001).

As a result of that inspection, violations of hazardous waste statutes and regulations were identified.

Specific violations and required corrective action are listed below. Failure to correct the identified violations within the schedule provided will result in DHS citing you for continuing/additional violations.

I. Schedule of Violations:

COUNT 1: Health and Safety Code, Chapter 6.5, section 25189 (d).

- a) Omega caused the disposal of hazardous waste solvents by allowing drums of waste solvents to leak their contents onto the ground.
- b) Omega caused the disposal of hazardous waste solvents directly into the air by storing these solvents in open and leaky drums.
- COUNT 2: Interim Status Document (ISD) I, 4(a)(b)(c).
 - a) Omega added without the Department's approval areas to the facility that were not included in the original "Part A" application on which the ISD is based.
 - b) Omega engaged in storage and transfer activities which are not identified in its Part A application.
 - c) Omega exceeded its hazardous waste storage capacity beyond what is allowed in its Part A application.



Mr. Dennis O'Meara Page 2 October 5, 1989

- Omega stored hazardous waste in excess of the one year period set forth in its ISD.
- e) Omega did not mark the date of receipt on the drums of off-site hazardous waste that were received at the facility.
- COUNT 3: Code of Federal Regulations, Title 40, section 264.142 (a)(2).

The closure cost estimate is inadequate because it is not based on the cost to the owner of hiring a third party to close the facility.

COUNT 4: Title 22, California Code of Regulations (Cal. Code Regs.), section 67120 (a).

Omega did not maintain its storage area to minimize the possibility of a fire explosion or release of hazardous waste into the environment.

COUNT 5: Title 22, Cal. Code Regs., section 67102 (b).

The waste analysis plan is inadequate in that it does not include methods for sampling and it does not include testing for polychlorinated biphenyls (PCB).

COUNT 6: Title 22, Cal. Code Regs., section 67103 (a), (b).

The main gate was unattended and open during the four days of the inspection. There was no means to control entry, at all times, to the active portion of the facility.

COUNT 7: Title 22, Cal. Code Regs., section 67246.

Drums containing ignitable hazardous wastes were stored at a distance less than 50 feet from the property line.

COUNT 8: Title 22, Cal. Code Regs., section 67243 (a).

Omega stored hazardous waste in open drums.

COUNT 9: Title 22, Cal. Code Regs., section 67241.

Omega stored hazardous waste in drums that were damaged and leaking.

COUNT 10: Title 22, Cal. Code Regs., section 67124.

There was inadequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, Mr. Dennis O'Meara Page 3 October 5, 1989

> and decontamination equipment in the event of an emergency or fire at several locations within the waste storage area.

COUNT 11: Title 22, Cal. Code Regs., section 66508 (a)(2)(3) and (c)(1)(2)(3).

Several drums containing hazardous waste were either not labelled or the labels were not visible for inspection and there were no accumulation dates on the drums containing hazardous waste generated by Omega.

COUNT 12: Title 22, Cal. Code Regs., section 67105 (c).

Several employees who manage hazardous waste did not take part in the annual review of the initial training.

COUNT 13: Title 22, Cal. Code Regs., section 66493 (a).

Omega did not prepare and submit a copy of Biennial Report for 1987 to the Department.

COUNT 14: Title 22, Cal. Code Regs., section 67104 (d).

Omega did not have adequate inspection logs.

COUNT 15: Title 22, Cal. Code Regs., section 67740 (a)(1).

Omega did not attach the required land disposal restriction notification with the manifests under which restricted wastes were shipped out of its facility.

II. Schedule for Correction:

1. Correct violations upon receipt of this Report.

Please submit a written certification which contains the exact language in Title 22, Cal. Code Regs., section 66373(d) to this office within 30 days upon receipt of this Report that the violations noted above have been corrected.

The Department will conduct a re-inspection of Omega Chemical Corporation to verify compliances.

The issuance of this Report of Violation and Schedule for Compliance does not preclude DHS from taking administrative, civil, or criminal action as a result of the violations noted herein.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT 9150 Flair Drive, El Monte, CA 91751

431

NOTICE OF VIOLATION

ID # 008/07	UF VIULATION
**	DATE OF VIOLATION
NAME OMEGA RECO	NORY SERVICES
12504 E. WHITE	REL BUD WHITTIER
ACCUSE VIVIA	943
	er Belle WATE
CITY	WW G/31698-0997
YOU ARE HEREBY NOTIFIED THEALTH AND SAFETY CODE SE	THAT I VIGLATION OF THE CALIFORNIA
AND/OR SOUTH COAST AIR Q AND REGULATIONS, RULE(S)	UALITY MANAGEMENT DISTRICT RULES **
HAVE BEEN COMMITTED. SU	CH VIOLATIONS MAY BE PUNISHED AS
PURSUANT TO CALIFORNIA	CIVIL PENALTIES MAY BE IMPOSED HEALTH AND SAFETY CODE SECTION
42402. SMOKE	ODORS DUST FUMES GASES ACIDS
AR CONTAMINANT PARTICUL	400 - A 200 -
AGGREGATIN	
A A STATE OF THE S	PACION TANK
	LENE WITHOUT
jekui.	
CONTROL NO:	DV
32097	BY JOHN W. ZAPPEL
40.3	TELEPHONE 2/3 537-1632
SERVED TO: FRANK F	
TITLE PLANT MANAGE	INSPECTOR //
No 7 20050	ENFORCEMENT DIVISION

ORIGINAL

1131

NOTICE OF VIOLATION

ID# 008107

10-27-88

	DATE OF VIOLATION
OMEGA RECOVERY	
12504 E. WHITTIER	BLUD WHITTIER
12504 E. WHITTIER LOCATION - ADDRESS OF VIOLATION	BCD. WHY JUS
WHITTIER WN SECTO	
YOU ARE HEREBY NOTIFIED THAT A VI- HEALTH AND SAFETY CODE SECTION(S)	OLATION OF THE CALIFORNIA
AND/OR SOUTH COAST AIR QUALITY MAND REGULATIONS, RULE(S) 20/-	JIONS MAY BE PUNISHED AS
MISDEMEANORS PURSUANT TO CALIF CODE SECTION 42400, OR CIVIL PE PURSUANT TO CALIFORNIA HEALTH	ORNIA HEALTH AND SAFETY
42402. SMOKE ODORS I	
OPACITYAGGREGATING	
EQUIPMENT/SOURCE 10,000 FAL	
STORING XYLENG	WITHOUT
PERMIT.	
CONTROL NO.	
32097	JOHN W. ZAPPEL
	TELEPHONE 2/3 537-1632
SERVED TO: FRANK FORIS	DATE 10 1281 88
TITLE: PLANT MANAGER BY:	INSPECTOR OF
No. Z 38258	NFORCEMENT DIVISION
⊕ ■ ORIGINAL	FRI

MAX \$ 4000 ASK \$ 4000

ENFONCE	MENT DIVISION	VIOLAT	ION NO	TICAE	PORT	P	age / ut 5
NOTICE NO. 2-38258 DATE	10-27-88	VIOL	ATION _	Ra	0/	SEC1	TOR WN
CORP. PART. INDIV.	CORP. PART. INDIV. NO. (Bus. Lic. B.E. Permit, Etc.)! (Date)						
NAME OMEGA RECOVE	SER SER	C. B.E. Perm	S Etc.)!	TEL.	NO. 213	(Date) 698	099/
ADDRESS 12504 E. WHO	TIER BLUE	CITY.	WHI	17776	R	ZIP.	90602
RE-PREMISES AT: SAME			cı	ry a	14177	IER	
CORP. OFFICER			TIT	LE			
MANAGEMENT CONTACTED NO_							
NAME PRANK PORT)	TITLE	Pu	ANT	MA	NAGER	•
EQUIPMENT OPERATING YE			1/1/1/19				
NAME			т	EL. NO. ()		
ADDRESS		CITY				ZIP	
I.D.: SEX HGHT. WT.	LBS. CO	LOR AIR	COL	OR S	BI D	RTH ATE	
ARRIVAL 0800 DEPART			EXC	ESSIVE	MISSION	S RECORDED	
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WIND DIRECTION:	WIND SPEED: MPh						
VISIBLE EMISSIONS AT END OF OBSER	VATIONS.						
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PERMIT NO							
P/C DATE ISSUED							
EMISSIONS RECORDED BY:	N		TOTAL		MINUT	S OF VIOLA	TION
	Name)						
DESCRIPTION: 10,000 GA	con		TIGATOR	:		DATE	
RE			REVIEWING INVESTIGATOR: DATE				
XYLENE.							
SECTION SECTIO				11.7.88			
(IF APPLICABLE) INSTALLER (NAME) TEL. NO. ()							
ADDRESS		CITY				ZI	Р
32097	COURT CASE NO			DATE FI	LED		
0~007	INSPECTORS VACA	TION:		то			40D548 REV. 7-81

Mr. Dennis O'Meara Page 5 October 5, 1989

cc: Anastacio Medina, Chief Hazardous Waste Control Program Los Angeles County Department of Health 2615 South Grand Avenue, Room 607 Los Angeles, CA 90007

> Theodora Berger, Assistant Attorney General Environmental Law Section Office of the Attorney General 3580 Wilshire Blvd., Suite 800 Los Angeles, CA 90010

Janet Siewierski, LDR Regional Coordinator Hazardous Waste Management Division U.S. Environmental Protection Agency Region IX 215 Fremont Street (T-2-4) San Francisco, CA 94105

Certified Mail P 757 543 713 R R R

	34	Page 2 7 5
OBSERVATION INFORMATION	FIELD SKETCH	
STANCE FROM SOURCE	FT.	Ñ
PECTION FROM SOURCE		W
ACKGROUND USED TO MAKE OBSERVATION:	5	S
OCATION OF SUN OR LIGHT SOURCE (ie over rig	tht shoulder,	
the rear, etc. of the observers position).		
ELD SKETCH OR PLOT DIAGRAM TO INCLUDE	Source	
sition, sun or light source position, wind direction,	observers	
sition, location and names of streets, alleys, parking idential areas, commercial buildings, apartment buildings.	dings,	
nces, complainants location, direction of pl. ume or	odors, etc.	
OTE: Observation and Field Sketch to be completed lations involving emissions.	d on ALL	
Answer the followin	g questions	
		/
100 100 100 100 100 100 100 100 100 100	ions other than normal ons of the same type?	No Yes V
	by operational technique?	No Yes Ves
	by equipment deficiency?	No Yes
4) Was poor maintena		No Yes
5) Was equipment bro	eakdown involved?	No Ves_
6) Could the violat:	Ion have been prevented?	No Yes
7) Was a source test	involved?	No Yes_
8) Was this violation	on observed by another agency?	No Yes
Agency Name:		:
	nd include information in report answered yes.	t on all
	• = 3. 2	
EPORTING 1 2	AC REPORT (2)	20 00
SPECTOR WIND	COMPLETED: DATE 10	.28.88
IELD SUPERVISORS NAME	HASE REVIEW DATE	11.1.88

ENF. DIV	. VIOLATION N	OTICE REPORT	to .		Pg 3 of 5
NOTICE	NO. Z-382	58 DATE 10 -21-	88 VIOLATIO	N R201	SECTOR WN
NAME	OMEGA	RECOVERY	SERVIC	- S	
ADDDEC	12504	F. WHITTIER	e BUID	WHITTIE	P 90607

TIME	INSPECTOR'S FINDINGS:
10-2788	I APRIVED AT OMEGA RECOVERY
A STATE OF THE PARTY OF THE PAR	SERVICES AND MET WITH FRANK FORD,
	PLANT MUNAGER FOR THE PURPOSE OF
	INTRODUCING MYSELF AT THEIR NEW
	INSPECTOR AND TO LOOK OVER THE
	PREMISES AND PROCESSING PROCEDURES.
8	DURING THE INSPECTION OF THE FACILITY,
	FRANK FORD POINTED OUT (6) 10,000
	GOLLON STORAGE TANKS AND STATED
`	THAT THEY DID NOT HAVE PROPER PERMITS.
	I INQUIRED ON THE CONTENTS OF THE
	TANKS AND HE IDENTIFIED THOM AND
	THEIR CONTENTS AS FOLLOWS:
	TANK DESCRIPTION CONTENTS
	A XYLENG
	B. EMPTY
	C EMPTY
	D PAINT THINNER
	E PAINT THWNOR
	F WATER
	1 TOLD FRANK PORD THAT I WOULD
	CONTACT HIM AFTER DETERMINING IF
	ANY OF THE ABOVE DESCRIBED TANKS
	REQUIRED PERMITS.
FILE NO	REPORTING INSPECTOR: DATE/O -28 - 88
	Mon
	REVIEWING SUPERVISOR: DATE 11-1-88

Pgfof 5

TIME	INSPECTOR'S FINDINGS CONTINUED:
0930hrs	
0430AIS	DEPARTED THE FACILITY.
· ·	/ 11 11 11 11 11 11 11 11
1045 hrs	
	CHUCK MASON, SUPERVISING AIR QUALITY
	INSPECTOR I, WHO STATED THAT THE
	TANK CONTAINING XYLENE SHOULD BE
	CITED BECAUSE IT IS NOT EXEMPT UNDER
	SCHOMD RULE 219 (M)(4) WHICH EXEMPTS
	STORAGE AND TRANSFER EQUIPMENT USED FOR
400	THE STORAGE OF UNHEATED ORGANIC MATERIALS
	WITH AN INITIAL BOILING POINT OF 302°F (THE
	INITIAL BOILING POINT OF XYLONE IS 2910F).
10-28-88	1 RETURNED TO OMEGA RECOVERY
0800 hrs	SERVICES AND ISSUED NOTICE OF VIOLATION
	Z-38258 FOR VIOLATION OF SCARMD
	RULE 201 TO FRANK FORD, PLANT MANAGER.
	SCHOMD RULE 201 STATES THAT A PERSON
	SHALL NOT BUILD, EROCT, INSTALL, ALTER OR
	REPLACE ANY EQUIPMENT WORLD MAY CAUSE
	THE ISSUANCE OF AIR CONFAMINANTS OR THE
INSPECT	OR'S CONCLUSIONS:
No. 1	THIS VIOLATION COULD HAVE BEEN PREVENTED
IF	OMEGA RECOVERY SERVICES HAD PERMITTED
	TANK PRIOR TO USING IT FOR THE
	AGE OF XYLENE.
	
100	

	VIOLATION NOTICE REPORT Pg 5 of 5
	NO. 2-38258 DATE 10-27-88 VIOLATION R201 SECTOR WN
	OMERA RECOVERY SERVICES
ADDRESS	12504 E. WHITTIER BLID., WHITTIER 90602
TIME	INSPECTOR'S FINDINGS:
	USE OF WHICH MAY ELIMINATE, REDUCE
	OR CONTROL THE ISSUANCE OF AIR CONTANT
	INANTS WITHOUT FIRST OBTAINING WRITTEN
	AUTHORIZATION FOR SUCH CONSTRUCTION FROM THE
	AIR POLLUTION CONTROL OFFICER.
	FRANK FORD IS A WHITE MALE, APPROX-
	IMPTERY 35 YEARS OLD, 5'10", 160#, BROWN
	HAIR AND BROWN EYES.
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	PAINT THINNER LE BORDERLINE AS FAR AS R219
	15 CONCERNED. THE COMPANY WILL BE
	APPLYING FOR PERMITS ON ALL (6) TANKS.
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FILE NO	REPORTING INSPECTOR: DATE 10 - 28 - 88

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Pg__of__

TIME	INSPECTOR'S FINDINGS	CONTINUED:	
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INSPECT	COR'S CONCLUSIONS:		
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ENFORCEMENT LETTER DOCKET

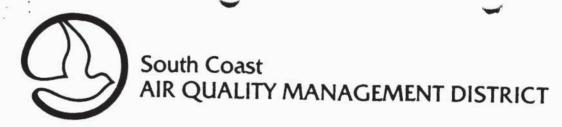
Phillip Hubbard 111 Control No.: 32097 December 19, 1988 Date letter sent: Z No.: Z38258 January 9, 1989 Date response req'd Violation date: 10-27-88 Rule(s): 201 \$400.00 Amount requested: Omega Recovery Services VIOLATOR: 12504 E. Whittier Blvd., Whittier, CA 90602 ADDRESS: 12504 E. Whittier Blvd., Whittier, CA 90602 LOCATION: SERVE: RE OFFICE: ko Case closed upon receipt of penalty & proof of compliance ν Penalty received represents 100 % of offer. Signed up for R-461 class on _____. Class offer refused _____ Refused offer, case referred to D.C. on ____ Case referred for cancellation/rejection on Other CONTACTS NAME TITLE NUMBER Applia LONG HAD MOT MR FORD WILL COME TO HA ON

CAME TO THE DISTRICT TO PAY HIS APPRICATION FERSECK

19876 FOR \$1500. THRY ARE IN COMPLIANCE

Andications AUD PAY FILING

Revised 8/9/88



9150 FLAIR DRIVE, EL MONTE, CA 91731

December 19, 1988

Omega Recovery Services 12504 E. Whittier Blvd. Whittier, CA 90602

Re: South Coast Air Quality Management District Notice of Violation

Number:

Z-38258

Control No.

32097

Date of Violation:

10-27-88

We are writing to you regarding the above-captioned violation notice, a copy of which is attached. You are charged with a violation of Rule(s) 201. The California Health and Safety Code specifies the penalty for such violations can be either:

- By civil penalties of up to \$1,000.00 per day for each day of each violation on or after January 1, 1982 (Health & Safety Code Section 42402); OR
- By prosecution as a criminal misdemeanor with a maximum fine of \$1,000.00 per day and/or six months in jail for each day of each violation. (Health & Safety Code Section 42400).

IF YOU HAVE ANY QUESTIONS CONCERNING PENALTIES OR PROCEDURES, YOU SHOULD SEEK THE ADVICE OF YOUR ATTORNEY.

After a preliminary review of this case, the District has elected to treat this as a civil penalties matter in accordance with the procedure numbered (1) above. In this case total liability in a civil action could be \$1,000.00 for each day the violation(s) occurred. We would expect that litigation proceedings would disclose whether additional days of violation(s) occurred. In the event that you are interested in settling this matter without further legal proceedings, I am authorized to offer to settle this matter in accordance with the District's standard settlement policy as follows:

- 1. Payment of a civil penalty in the sum of \$400.00.
- 2. The alleged violator shall be released from any and all claims for civil or criminal penalties arising from the incident referred to in the above Notice of Violation.
- 3. The District reserves the right to rely upon the alleged violation and may offer proof thereof in connection with any petition for a variance, permit revocation, or abatement order before the District Hearing Board.
- 4. This settlement shall not constitute an admission of violative conduct nor shall it be inferred to be such an admission in any administrative or judicial proceeding.

Ib 008/07

Omega Recovery Services December 19, 1988 Page Two Z38258 32097 201

5. The alleged violator shall provide proof of present compliance in writing.

If the above terms are acceptable to you, sign and return the enclosed copy of this letter, together with a check payable to SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT in the sum of \$400.00, to:

South Coast Air Quality Management District 9150 E. Flair Dr. El Monte, CA. 91731 Attention: Investigation Section

Please contact Investigator Phillip Hubbard 111 at (818) 307-1512 if you wish to discuss this matter by telephone. You may also request a conference at our El Monte office with District Enforcement and Legal representatives. Should you be unable to come to El Monte, our investigator will meet you in our field office most convenient to you at any mutually acceptable time.

If we do not hear from you by January 9, 1989, we will assume that you are not interested in resolving this matter as outlined above and we will refer the matter to our Legal Division for further action.

Very truly yours,

SCAQMD
SCACMD
ENFORCEMENT
DIVISION

Lee Lockie Director of Enforcement

By: Philip Hubbar

Investigator

Headquarters (818) 307-1512

PH:ko

Encl.

Name

Title PLANT MANAGE.E.

BACHELOR CHEMICAL PROCESSING DIV. 12504 E. WHITTIER BLVD. 698-0991

WHITTIER, CALIFORNIA 90602

16-66/1220

17834 *******FOUR HUNDRED DOLLARS AND 00/100****

17834

AMOUNT

\$400.00

South Coast Air Quality Management District

9150 E. Flair Drive El Monte, CA 91731

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PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. D05762 A/N 181308 Page 1

This initial permit must be renewed by 09/16 ANNUALLY unless the equipment is moved, or changes ownership. If the tilling for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

or Operator: OMEGA CHEMICAL CURPURATION

Equipment

located at: 12504 EAST WHITTIER BOULEVARD, WHITTIER, CALIFORNIA

Equipment Description:

STORAGE TANK, NAME BETTY, 10,000 GALLON CAPACITY, 10'-0" DIA., 20'-0" L.

: C.nditions:

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- 1. OPERATION OF THIS EQUIPMENT MUST BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- 2. THIS EQUIPMENT MUST BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
 - 3. THIS TANK (BETTY) CAN ONLY STORE XYLENE.
- 4. THE MAXIMUM QUANTITY OF XYLENE FILLED INTO THIS EQUIPMENT MUST NOT EXCEED 2000 GALLONS PER DAY.
- 5. THROUGHPUT RECORDS, MUST BE MAINTAINED IN A FORMAT APPROVED BY THE DIRECTOR OF ENFORCEMENT, KEPT ON FILE FOR A MINIMUM OF TWO YEARS, AND MADE AVAILABLE UPON REQUEST OF DISTRICT PERSONNEL.



PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

THE WAY

Permit No. D05762 A/N 181506 Page 2

CONTINUATION OF PERHIT TO OPERATE

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY MUST BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF/CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER COVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Raquel Puerta/ejc February 17, 1989

OMEGA CHEMICAL CORPORATION ATTN: FRANK FURD 12504 E. WHITTIER BLVD WHITTIER, CA 90602



PERMIT to CONSTRUCT/OPERATE

Permit No. D05821 A/N 181505 Page 1

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

This initial permit must be renewed by 09/16 ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

or Operator: OMEGA CHEMICAL CORPORATION

Equipment

located at: 12504 EAST WHITTIER BOULEVARD, WHITTIER, CALIFORNIA

Equipment Description:

STORAGE TANK, NAME ALICE, 10,000 GALLON CAPACITY, 10'-0" DIA., 20'-0" L.

'Conditions:

- 1. OPERATION OF THIS EQUIPMENT MUST BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- THIS EQUIPMENT MUST BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL
 TIMES.
- 3. THIS TANK (ALICE) CAN ONLY STURE XYLENE.
- 4. THE MAXIMUM QUANTITY OF XYLENE FILLED INTO THIS EQUIPMENT MUST NOT EXCEED 2000 GALLONS PER DAY.
- 5. THROUGHPUT RECORDS, MUST BE MAINTAINED IN A FORMAT APPROVED BY THE DIRECTOR OF ENFORCEMENT, KEPT ON FILE FOR A MINIMUM OF TWO YEARS, AND MADE AVAILABLE UPON REQUEST OF DISTRICT PERSONNEL.

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PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. DO5821 A/N 101505 Page 2

CONTINUATION OF PERMIT TO OPERATE

NOTICE

IN ACCORDANCE WITH RULE 200, THIS PERMIT TO OPERATE OR COPY MUST BE POSTED ON OR WITHIN 6 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA ON THE NULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Maquel Puerta/ejo February 22, 1939

OMEGA CHEMICAL CURPORATION ATTN: FRANK FURD 12504 E. WHITTIER BLVD WHITTIER, CA 90002





PERMIT to CONSTRUCT/OPERATE

Permit Mo. DU5822 A/N 181304 Page 1

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

This initial permit must be renewed by 09/15 ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

or Operator: OMEGA CHEMICAL CURPORATION

Equipment

located at: 12504 EAST WHITTIER BOULEVARD, WHITTIER, CALIFORNIA

Equipment Description:

STORAGE TANK, NAME CAROL, 10,000 GALLON CAPACITY, 10'-O" DIA., 20'-O" L.

Conditions

- 1. OPERATION OF THIS EQUIPMENT MUST BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- 2. THIS EQUIPMENT HUST BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
- 3. THIS TANK (CAROL) CAN ONLY STURE XYLENE.
- 4. THE MAXIMUM QUANTITY OF XYLENE FILLED INTO THIS EQUIPMENT MUST NOT EXCEED 2000 GALLONS PER DAY.
- 5. THROUGHPUT RECORDS, MUST BE MAINTAINED IN A FORMAT APPROVED BY THE DIRECTOR OF ENFORCEMENT, KEPT ON FILE FOR A MINIMUM OF TWO YEARS, AND MADE AVAILABLE UPON REQUEST OF DISTRICT PERSONNEL.



PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. D05822 A/N 131304 Page 2

CONTINUATION OF PERMIT TO OPERATE

NUTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY MUST BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Raquel Puerta/ejo February 22, 1909

OMEGA CHEMICAL CURPORATION ATTN: FRANK FORD 12504 E. WHITTIER BLVD WHITTIER, CA 90602



PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. DUDOZS A/A lolyUD Page 1

This initial permit must be renewed by 09/16 ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

or Operator: OMEGA CHEMICAL CORPORATION

Equipment

located at: 12504 EAST WHITTIER BOULEVARD, WHITTIER, CALIFORNIA

Equipment Description:

STURAGE TANK, NAME DEBBI, 10,000 GALLON CAPACITY, 10'-0" DIA., 20'-0" L.

Conditions:

- 1. OPERATION OF THIS EQUIPMENT MUST BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- 2. THIS EQUIPMENT MUST BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
- 3. THIS TANK (DEBBI) CAN ONLY STURE XYLENE.
- 4. THE MAXIMUM QUANTITY OF XYLENE FILLED INTO THIS EQUIPMENT MUST NOT EXCEED 2000 GALLONS PER DAY.
- 5. THROUGHPUT RECORDS, MUST BE MAINTAINED IN A FORMAT APPROVED BY THE DIRECTOR OF EMFORCEMENT, KEPT ON FILE FOR A MINIMUM OF TWO YEARS, AND MADE AVAILABLE UPON REQUEST OF DISTRICT PERSONNEL.



PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. 005825 A/N 101305 Page 2

CONTINUATION OF PERMIT TO OPERATE

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IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY MUST BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 20 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER COVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Raquel Puer February 22, 1989

OMEGA CHEMICAL CORPURATION ATTN: FRANK FURD 12504 E. WHITTIER BLVD WHITTIEN, CA 90002



PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. D05824 A/N 101506 Page 1

his initial permit must be renewed by 09/16 ANNUALLY unless the equipment is moved, or hanges ownership. If the billing for annual renewal fee (Rule 301.f) is not received by he expiration date, contact the District.

egal Owner

r Operator: OMEGA CHEMICAL CORPORATION

quipment

LOCATED AT: 12504 EAST WHITTIER BOULEVARD, WHITTIER, CALIFORNIA

Equipment Description:

STORAGE TANK, NAME ELLEN, 10,000 GALLON CAPACITY, 10'-0" DIA., 20'-0" L.

Conditions

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- OPERATION OF THIS EQUIPMENT MUST BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- 2. THIS EQUIPMENT MUST BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
- J. THIS TANK (ELLEN) CAN ONLY STURE XYLENE.
- THE MAXIMUM QUANTITY OF XYLENE FILLED INTO THIS EQUIPMENT MUST NOT EXCEED 2000 GALLONS PER DAY.
- THROUGHPUT RECORDS, MUST BE MAINTAINED IN A FORMAT APPROVED BY THE DIRECTOR OF ENFORCEMENT, KEPT ON FILE FOR A MINIMUM OF TWO YEARS, AND MADE AVAILABLE UPON REQUEST OF DISTRICT PERSONNEL.

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PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. D05824 A/N 181500 Page 2

CONTINUATION OF PERMIT TO OPERATE

NOTICE

IN ACCORDANCE WITH RULE 200, THIS PERMIT TO OPERATE OR COPY MUST BE POSTED ON OR WITHIN & METERS OF THE EQUIPMENT.

THIS PERMIT DUES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Maquel Puerta/ejo

February 22, 1989

OMEGA CHEMICAL COMPORATION ATTN: FRANK FORD 12504 E. WHITTIER BLVD WHITTIER, CA 90602



SOUTH COAST ATR QUALITY MANAGEMENT DISTRICT

PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. D05825 A/N 18150/ Page 1

This initial permit must be renewed by 09/16 ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewel fee (Rule 301.f) is not received by the expiration date; contact the District.

Legal Owner

or Operator: OMEGA CHEMICAL CURPORATION

Equipment

located at: 12504 EAST WHITTIER BULLEVARD, WHITTIER, CALIFORNIA

Equipment Description:

STORAGE TANK, NAME FRAN, 10,000 GALLON CAPACITY, 10'-0" DIA., 20'-0" L.

Conditions:

- OPERATION OF THIS EQUIPMENT HUST BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- 2. THIS EQUIPMENT MUST BE PROPERLY HAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
- 3. THIS TANK (FRAN) CAN ONLY STORE XYLENE.
- THE MAXIMUM QUANTITY OF XYLENE FILLED INTO THIS EQUIPMENT MUST NOT EXCEED 2000 GALLONS PER DAY.
- 5. THROUGHPUT RECORDS, MUST BE MAINTAINED IN A FORMAT APPROVED BY THE DIRECTOR OF ENFORCEMENT, KEPT ON FILE FOR A MINIMUM OF TWO YEARS, AND MADE AVAILABLE UPON REQUEST OF DISTRICT PERSONNEL.



SOUTH COAST AIR, QUALITY MANAGEMENT DISTRICT

PERMIT to CONSTRUCT/OPERATE

9150 FLAIR DRIVE, EL MONTE, CALIFORNIA 91731

Permit No. D05825 A/N 181307 Page 2

CONTINUATION OF PERMIT TO OPERATE

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WIICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY MUST BE POSTED ON OR WITHIN & METERS OF THE EQUIPMENT.

HIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR WALLTY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING AWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Raquel Puerta/ejo February 22, 1989 FILE COPY

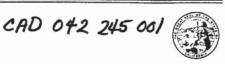
OMEGA CHEMICAL CORPORATION ATTN: FRANK FORD 12504 E. WHITTIER BLVD WHITTIER, CA 90602

EPA REGION IX

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET SACRAMENTO, CA 95814

(916) 323-9723



APR 14 1988

Dennis O'Meara Omega Recovery Services 12504 East Whittier Boulevard Whittier, California 90602

Dear Mr. O'Meara:

IN THE MATTER OF: OMEGA CHEMICAL CORPORATION

Enclosed please find a Corrective Action Order and/or Complaint for Penalty and related documents concerning violation of Chapter 6.5 of the California Health and Safety Code and Title 22 of the California Code of Regulations.

As indicated in the enclosures, you have a right to a hearing. Whether or not you choose to pursue an appeal, you are encouraged to explore the possibility of settlement by contacting Rubia Bertram at 714/744 P Street, P.O. Box 942732, Sacramento, CA 94234-7320, (916) 324-1814.

Sincerely,

C. David Willis Deputy Director

COD Wills

Toxic Substances Control Division

Enclosure

STATE OF CALIFORNIA HEALTH AND WELFARE AGENCY DEPARTMENT OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL DIVISION

In the Matter of:

Omega Chemical Corporation 12504 E. Whittier Blvd. Whittier, California 90602

EPA ID# CAD042245001 Respondent. Docket HWCA 87/88-025

CORRECTIVE ACTION ORDER

(Financial Responsibility)

Health and Safety Code Sections 25187

INTRODUCTION

- 1.1. <u>Parties</u>. The State Department of Health Services (Department) issues this Corrective Action Order (Order) to Omega Chemical Corporation (Respondent).
- 1.2. <u>Facility</u>. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following facility:
 12504 East Whittier Boulevard, Whittier, California 90602 (Facility).
- 1.3. <u>Permit/Interim Status</u>. The Department authorized Respondent to manage hazardous waste by issued on October 6, 1981.
- 1.4. <u>Jurisdiction</u>. Section 25187 of the Health and Safety Code (H&SC) authorizes the Department to issue an Order when the Department determines that any person has violated, is violating, or threatens to violate specific provisions of the H&SC or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.
- 1.5. Applicable Statutes and Regulations. Copies of the statutes and regulations applicable to this Order are attached as Exhibit 1.

1.6. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

DETERMINATION OF VIOLATIONS

- 2. The Department has determined that the Respondent has violated, is violating, or threatens to violate the H&SC and other specified provisions as follows:
- 2.1. The Respondent violated Title 22, California Code of Regulations (CCR), section 67027, in that since December 3, 1985 the Respondent has not had financial liability coverage for sudden accidental occurrences for the above-named Facility.

SCHEDULE FOR COMPLIANCE

- 3. Based on the foregoing DETERMINATION OF VIOLATIONS, IT IS HEREBY ORDERED THAT:
- 3.1.1. Within ninety (90) days of the effective date of this Order, Respondent shall provide documentation to the Department of liability coverage for sudden accidental occurrences in the amount of \$1 million per occurrence per facility with a \$2 million annual aggregate, as required by Title 22, CCR, section 67027. The Department recognizes that it may be impossible to obtain such coverage immediately. Exercising its judgment pursuant to HSC section 25187, the Department specifies that compliance shall be pursued and achieved according to a schedule as follows: If Respondent cannot provide proof of liability coverage, the Respondent

shall submit a written status report to the Department every three (3) months. This report is due within ten (10) days after the end of each three (3) month period. This report shall include, but need not be limited to:

- a) A current financial statement of the company which demonstrates to the Department's satisfaction that the Respondent (i) cannot meet the requirements of a financial test or corporate guarantee as specified in Article 17, Chapter 30, Title 22, CCR, and (ii) is unable to pay premiums for any available liability insurance.
- b) Documentation of Respondent's attempts, during the reporting quarter, to obtain liability insurance from, at a minimum, those insurance carriers identified in writing to Respondent by the Department during the quarter. This documentation must include, but need not be limited to: i) The names and contact persons of all insurance carriers to which written application for liability coverage has been made, and copies of all such applications; ii) The written responses of each insurance carrier regarding whether or not coverage is available, in what types and amount, and at what premiums; and iii) Copies of all documents submitted to and received from all insurance carriers contacted.

Failure to achieve full compliance within one year of the effective date of this Order will subject Respondent to further corrective action.

If at any time the Department determines that the Respondent is able to comply fully or partially with the financial liability requirements of Article 17, Chapter 30, Title 22, CCR, the Department will notify the Respondent in writing. Within thirty (30) days of the issuance of such a notice the Respondent must submit to the Department evidence of liability coverage, as specified in the notice.

3.2. <u>Submittals</u>. All financial submittals from a Respondent pursuant to this Order shall be sent to:

Chief, Hazardous Waste Management Section Toxic Substances Control Division Department of Health Services 714/744 P Street Post Office Box 942732 Sacramento, California 94234-7320

- 3.3. <u>Communications</u>. All approvals and decisions of the Department made regarding financial submittals and notifications will be communicated to Respondent in writing by the Chief, Hazardous Waste Management Section, Toxic Substances Control Division, Department of Health Services, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.
- 3.4. <u>Department Review and Approval</u>. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Corrective Action Order, the Department may:
- a. Modify the document as deemed necessary and approve the document as modified; or

- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.
- 3.5. <u>Compliance with Applicable Laws</u>: Respondent shall carry out this Order in compliance with all local, State, and federal requirements.
- 3.6. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.
- 3.7. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent in carrying out activities pursuant to this Order.
- 3.8. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.
- 3.9. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to the expiration at the time, request an extension of time in writing. The extension request shall include a justification for the delay.

Extension Approvals: If the Department determines that good cause exists for an extension, it may grant the request and specify in writing a new compliance schedule.

RIGHT TO A HEARING

5.2. A hearing may be requested to challenge the Corrective Appeal procedures are described in the attached Action Order. Statement to Respondent.

EFFECTIVE DATE

6.1. This Corrective Action Order is final and effective ten (10) days from the date it is served on you, unless you request a hearing within the ten-day period.

TIME PERIODS

7. "Days" means calendar days for purposes of this Order.

4/12/88

Date of Issuance:

C. David Willis

Deputy Director

Toxic Substances Control Division

Department of Health Services

bcc: Regions Section Chiefs
DHS Enforcement Coordinator
HQ's Surveillance and Enforcement Section
EPA, Region IX
Office of Legal Services



DEPARTMENT OF HEALTH SERVICES 107 SOUTH BROADWAY, ROOM 7011 LOS ANGELES, CA 90012 (213) 620-2380



December 20 1987 VEL

Mr. Dennis O'Meara Omega Chemical Corporation 12504 East Whittier Blvd. Whittier, CA 90608

DEC 3 1 1987

HAZARDOUS MATERIALS CONTROL PROGRAM

Dear Mr. O'Meara:

REPORT OF VIOLATION AND SCHEDULE FOR COMPLIANCE - CADO42245001

On November 18, 1987, Roy Yeaman and Greg Holmes of the Department of Health Services (DHS) conducted an inspection of Omega Chemical Corporation located at 12504 East Whittier Blvd., in Whittier, California.

As a result of that inspection, violations of hazardous waste statutes and regulations were identified.

Specified violations and required corrective action are listed below. Failure to correct the identified violations within the schedule provided will result in DHS citing you for continuing/additional violations.

I. Schedule of Violations

COUNT 1: Section II 1(d), Interim Status Document.

The tank farm which holds hazardous waste did not have an impervious containment base. The containment base was corroded. A sample taken from the base showed there was a halogenated hydrocarbon and aromatic compounds contamination.

COUNT 2: Section 66484(g), Title 22, California Administrative Code.

Two manifests dated 1986 did not have the final disposal facility acceptance signatures. Omega Chemical did not submit an Exception Report to the Department reporting that it did not receive copies of the manifests signed by the disposal facility and what efforts it made to get them. The manifest numbers are 86534723 and 86544012.

COUNT 3: Section 66508, Title 22, California Administrative Code.

The operator maintains drums containing hazardous waste for future recycling without the proper labelling information. The drums are marked only with the operator's own code.

COUNT 4: Section VI (1C), Interim Status Document.

The closure cost estimates were not revised for the yearly inflation adjustments. Omega's Closure Plan, dated September 25, 1986, had \$19,750 for the estimate.

from LACOHS

COUNT 5: Section 67121(a,d), Title 22, California Administrative Code.

The facility had no emergency internal communication or alarm system within the facility available to all working personnel. The facility's main shed did not have a system to deliver an adequate water supply in the event of a fire or other emergency. Heat sensitive chemicals are kept inside the shed.

COUNT 6: Section II (13,14) Interim Status Document.

There is only one shower and eye wash combination within the facility for decontamination. This combination is not easily accessible from all areas of hazardous waste activities.

COUNT 7: Section 67124, Title 22, California Administrative Code.

The facility did not have adequate aisle space between stacks of drums located within the main shed of the facility to allow unobstructed movement or the proper observation of hazardous waste drums.

COUNT 8: Section 67126, Title 22, California Administrative Code.

The operator had no records showing that he had attempted to familiarize the local police or the local hospital with the properties of the hazardous wastes handled at the facility.

COUNT 9: Section 67141(f), Title 22, California Administrative Code.

The facility had an inadequate evacuation route map which showed only one evacuation arrow leading from the office to the outside. A copy was kept inside the contingency plan but there were no copies posted within the facility.

II. Schedule for Correction

Correct violations upon receipt of this Notice.

1988?

Please send written certification to this office by January 30, 1987 that the above corrections have been completed.

The Department will conduct a re-inspection of Omega Chemical Corporation to verify compliance.

The issuance of this Report of Violation and Schedule for Compliance does not preclude DHS from taking administrative, civil or criminal action as a result of the violations noted herein.

If you have any questions regarding this notice, please contact Roy Yeaman at the above phone number.

Sincerely,

Nemnet V. Alvarez, Program Supervisor Surveillance and Enforcement Unit Southern California Section Toxic Substances Control Division

NVA:RY:cd

cc: Anastacio Medina, Chief
Los Angeles County
Department of Health Services
Hazardous Waste Control Management
2615 South Grand Avenue, Room 607
Los Angeles, CA 90007

Richard Ross, Chief Hazardous Waste Enforcement Toxic Substances Control Division 714/744 "P" Street P. O. Box 942732 Sacramento, CA 94234-7320

Paul Blais, Chief Surveillance and Enforcement Section Toxic Substances Control Division 714/744 "P" Street P. O. Box 942732 Sacramento, CA 94234-7320

Financial Responsibility Unit Toxic Substances Control Division 714/744 "P" Street P. O. Box 942732 Sacramento, CA 94234-7320

Certified Mail P 565 319 446 R R R

bcc: Steve Lavinger

STATE OF CALIFORNIA HEALTH AND WELFARE AGENCY DEPARTMENT OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL DIVISION

In the Matter of:	Docket HWCA 87/88-025
ONEC'S CHENTOST CODD	STATEMENT TO RESPONDENT
OMEGA CHEMICAL CORP. 12504 E. Whittier Blvd. Whittier, CA 90602)) (Corrective Action Order)
EPA ID# CAD 042245001	
Respondent.	

TO THE ABOVE RESPONDENT:

A Corrective Action Order (Order) is attached to this statement and is hereby served upon you. The Order has been filed by the Department of Health Services (Department).

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Department within ten days after you received a copy of the Order, you will be deemed to have waived your right to a hearing in this matter. If you do not file a timely hearing request, the Department may proceed upon the Order without a hearing and may take action as provided by law.

The request for a hearing may be made by delivering or mailing a "Notice of Defense" or by delivering or mailing a Notice of Defense as provided in Section 11506 of the Government Code to:

ENF.12 9/87 William F. Soo Hoo Assistant Chief Counsel Office of Legal Services Toxic Substances Control Division 714/744 P Street P. O. Box 942732 Sacramento, CA 94234-7320

The enclosed Notice of Defense, if signed and filed with the Department, is deemed a specific denial of all parts of the Order, but you will not be permitted to raise any objection to the form of the Order unless you file a further Notice of Defense as provided in section 11506 of the Government Code within ten days after service of the Order upon you.

If you file a Notice of Defense within the time permitted, a hearing on the allegations made in the Order will be conducted by the Office of Administrative Hearings of the Department of General Services in accordance with the procedures specified in Health and Safety Code section 25187 and Government Code sections 11507 - 11517.

The hearing may be postponed for good cause. If you have good cause, you must notify the Department within ten working days after you discover the good cause. Failure to notify the Department within ten days will deprive you of a postponement.

Copies of section 11507.5, 11507.6, and 11507.7 of the Government Code are attached. If you desire the names and addresses of witnesses or an opportunity to inspect and copy items in possession, custody, or control of the Department, you may contact:

Rubia Bertram
Hazardous Waste Management
Toxic Substances Control Division
714/744 P Street
P. O. Box 942732
Sacramento, CA 94234-7320

Whether or not you have a hearing, you may confer informally with the Department to discuss the alleged facts, determinations, and corrective actions. An informal conference, however, does not postpone the ten-day period you have to request a hearing on the Order. An informal conference may be pursued simultaneously with the hearing process.

You may but are not required to be represented by counsel at any or all stages of these proceedings.

GOVERNMENT CODE

Section 11507.5. Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

Section 11507.6. Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after such service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

- (a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to such person is the basis for the administrative proceeding;
- (b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
- (c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;
- (d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
- (e) Any other writing or thing which is relevant and which would be admissible in evidence;
- (f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that such reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the

investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(g) In any proceeding under subdivision (i) or (j) of Section 12940, or Section 19572 or 19702, alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is not discoverable unless it is to be offered at a hearing to attack the credibility of the complainant as provided for under subdivision (j) of Section 11513. This subdivision is intended only to limit the scope of discovery; it is not intended to effect the methods of discovery allowed under this section.

Section 11507.7. Petition to compel discovery; Order; Sanctions

- (a) Any party claiming his request for discovery pursuant to Section 11507.6 has not been complied with may serve and file a verified petition to compel discovery in the superior court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with Section 11507.6. The petition shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this section, and the ground or grounds of respondent's refusal so far as known to petitioner.
- (b) The petition shall be served upon respondent party and filed within 15 days after the respondent party first evidenced his failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. However, no petition may be filed within 15 days of the date set for

commencement of the administrative hearing except upon order of the court after motion and notice and for good cause shown. In acting upon such motion, the court shall consider the necessity and reasons for such discovery, the diligence or lack of diligence of the moving party, whether the granting of the motion will delay the commencement of the administrative hearing on the date set, and the possible prejudice of such action to any party.

- (c) If from a reading of the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.
- (d) The court may in its discretion order the administrative proceeding stayed during the pendency of the proceeding, and if necessary for a reasonable time thereafter to afford the parties time to comply with the court order.
- (e) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.
- (f) The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.
- (g) Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days

after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

- (h) The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court's order serve and file in the district court of appeal for the district in which the superior court is located, a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.
- (i) Where the superior court finds that a party or his attorney, without substantial justification, failed or refused to comply with Section 11507.6, or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

STATE OF CALIFORNIA HEALTH AND WELFARE AGENCY DEPARTMENT OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL DIVISION

In the Matter of:) Docket HWCA87/88-025
OMEGA CHEMICAL CORP. 12504 E. Whittier Blvd. Whittier, CA 90602 EPA ID# CAD 042245001) NOTICE OF DEFENSE) Health and Safety Code) Section 25187(c))
Respondent.)))
I, the undersigned R	espondent, acknowledge receipt of a
copy of the Corrective Action	Order, Statement to Respondent,
Government Code sections 11507	.5, 11507.6, and 11507.7, and two
copies of a Notice of Defense.	
I request a hearing	to permit me to present my defense
to the allegations contained i	n the Corrective Action Order.
Dated:	<u> </u>
(Responden	t)
Mailing Ad	dress of Respondent:
(Street Ad	dress)
(City)	(State) (Zip)
(Telephone	Number)

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES

107 SOUTH BROADWAY, ROOM 7011 LOS ANGELES, CA 90012 (213) 620-2380

August 12, 1986

Mr. Dennis O'Meara Omega Recovery Services 12504 E. Whittier Blvd. Whittier, CA 90602

Dear Mr. O'Meara:

NOTICE OF VIOLATION AND SCHEDULE FOR COMPLIANCE (CAD 042245001)

On July 2, 1986, the Department of Health Services, (DHS) conducted an inspection of Omega Recovery Services, Whittier Facility, located at 12504 E. Whittier Boulevard, Whittier, County of Los Angeles, California.

As a result of that inspection, violations of the hazardous waste statutes and regulations were identified.

Specified violations and required corrective action are listed below. Failure to correct the identitifed violations within the schedule provided will result in DHS citing you for continuing additional violations.

I. Schedule of Violations

COUNT 1: Sections 67120(a), 67243(b), 67241, Title 22, California Administrative Code.

67120. Design and Operation of Facility.

(a) Permitted facilities shall be designed and constructed, and all facilities shall be maintained and operated to minimize the possibility of a fire, explosion or any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

67243. Management of Containers.

(b) A container holding hazardous waste shall not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

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If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects), or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this article.

Drums were observed leaking due to too much waste in drum and deterioration of drum. Management of drums must minimize chance of sudden release to environment.

COUNT 2: Section 67124. Required Aisle Space.

The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Department that aisle space is not needed for any of these purposes.

There was no aisle space between the pallets of drums. Aisle space must be provided for emergency equipment and observation for leaking drums.

- COUNT 3: Sections 67123(a),(b), 67121(a),(b), Title 22, California Administrative Code.
 - 67123. Access to Communications or Alarm Systems.
 - (a) Whenever hazardous waste is being poured, mixed, spread or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Department has ruled that such a device is not required under Section 67121.
 - (b) If there is ever just one employee on the premises while the facility is operating, he shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Department has ruled that such a device is not required under Section 67121.
 - 67121. Required Equipment.

All facilities shall be equipped with the following, unless it can be demonstrated to the Department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.

(b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or state or local emergency response teams.

August 12, 1986

The drum storage and work area does not have an emergency alarm system for employees. Employees need to have access to a communication or alarm system to summon help during an emergency. Otherwise, provide justification to the Department an alarm is not needed.

COUNT 4: Sections 67104(a),(b), 67259(a), Title 22, California Administrative Code.

67104. General Inspection Requirements.

- The owner or operator shall inspect his facility for malfunctions and deterioration, operator errors and discharges which may be causing, or may lead to, (1) release of hazardous waste constituents to the environment or (2) a threat to human health. The operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
- (b)(1) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.
 - (2) He shall keep this schedule at the facility.
- (3) The schedule shall identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

67259. Inspections for Interim Status Facilities.

- (a) The owner or operator of a tank shall inspect, where present:
- (1) Discharge control equipment (e.g., waste feed cutoff systems, bypass systems and drainage systems), at least once each operating day, to ensure that it is in good working order;
- (2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges), at least once each operating day, to ensure that the tank is being operated according to its design;
- The level of waste in the tank, at least once each operating day, to ensure compliance with Section 67257 (c);
- (4) The construction materials of the tank, at least weekly, to detect corrosion or leaking of fixtures or seams; and
- The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes), at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Code of Federal Regulation 40, Section 65.15, General Inspection Requirements.

- (a) The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing —or may lead to: (1) Release of hazardous waste constituents to the environment or (2) a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
- (b)(1) The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
 - (2) He must keep this schedule at the facility.
- (3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
- (4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in 40 CFR Sections 265.174, 265.194, 265.226, 265.347,265.377, and 265.403.
- (c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
- (d) The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

40 CFR Section 265.174. Inspections.

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The operator has not followed an inspection schedule or kept a checklist or log of inspections. Inspections at the facility must be done in a timely fashion and according to the regulations. These records need to be filled out completely and kept for three years.

COUNT 5: Sections 67002(a), 67211(a)(b), 67212,(a)(b), Title 22, California Administrative Code.

67002. Cost Estimate for Closure.

(a) The owner or operator of a hazardous waste facility shall prepare and submit to the Department a written estimate, in current dollars, of the cost closing the facility. The estimate shall be submitted in accordance with Sections 66372, 66390 and 66391. The estimate shall equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan.

67211. Closure Performance Standard.

The owner or operator shall close the facility in a manner that:

- (a) Minimizes the need for further maintenance.
- (b) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure excape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall or waste decomposition products to the ground or surface waters or to the atmosphere.
- 67212. Closure Plan; Amendment of Plan.

 (a) The owner or operator of a hazardous waste management facility shall have a written closure plan.
- (1) For permitted facilities the plan shall be submitted with the permit application, in accordance with Section 66391(a)(13) of this chapter, and approved by the Department as part of the permit issuance proceeding under Article 4 of this chapter. The approved closure plan will become a condition of the permit. The Department's decision shall assure that the approved closure plan is consistent with Sections 67211, 67213, 67214 and 67215, and the applicable requirements of Sections 67248, 67260, 67288, 67351, 67369, 67409 and 67468.
- (2) For interim status facilities the plan shall be developed by the effective date of these regulations.
- (b) A copy of the approved plan and all revisions to the plan shall be kept at the facility until closure is completed and certified in accordance with Section 67215. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan shall include at least:
- (1) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description shall identify the maximum extent of the operation which will be open during the life of the facility, and how the requirements of Section 67211, 67213, 67214, 67215 and:

- (A) For permitted facilities, the applicable requirements of Section 67248, 67260, 67288, 67351, 67369, 67409 and 67468 will be met; or
- (B) For interim status facilities the applicable requirements of Sections 67260, 67316, 67351, 67378, 67418, 67468 and 67524 will be met.
- (2) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility.
- (3) A description of the steps needed to decontaminate facility equipment during closure.
- (4) An estimate of the expected year of closure and a schedule for final closure. The schedule shall include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover shall be included.)
- (c) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator shall amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he shall request a modification of the closure plan at the same time. If a permit modification is not needed to authorize the change in operating plans or facility design, as in the case of an interim status facility, the request for modification of the closure plan shall be made with 60 days after the change in plans or design occurs.
- (e) The owner or operator of an interim status facility shall submit his closure plan to the Department at least 180 days before the date he expects to begin closure.

The owner or operator shall submit his closure plan to the Department no later than 15 days after:

- (1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status).
- (2) Issuance of a judicial decree or compliance order to cease receiving wastes or close.
- (f) For interim status facilities the Department will provide the owner or operator of an interim status facility and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan within 30 days of the date of the notice. The Department will also, in response to a request or at the Department's own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Department will give public

notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined). The Department will approve, modify or disapprove the plan within 90 days of its receipt. If the Department does not approve the plan, the owner or operator shall modify the plan or submit a new plan for approval within 30 days. The Department will approve or modify this plan in writing within 60 days. If the Department modifies the plan, this modified plan becomes the approved closure plan. The Department's decision shall assure that the approved closure plan is consistent with Sections 67211, 67213, 67214 and 67215, and the applicable requirements of Sections 67260, 67316, 67351, 67378, 67418, 67468 and 67524. A copy of this modified plan shall be mailed to the owner or operator.

The facility operator has not provided a rationale for cost estimates that were present in the existing closure plan. The cost estimates must reflect the complete removal of all wastes located at the facility and all steps necessary to complete closure. Removal of any and all contamination, and complete decontamination and removal of all equipment used to close the facility.

II. Schedule for Correction

1. Correct violations upon receipt of this Notice.

Please send written verification to this office by August 29, 1986, that the above corrections have been completed.

The Department will conduct a re-inspection of Omega Recovery Services, Whittier, California to verify compliance.

The issuance of this Notice of Violation and Schedule for Compliance does not preclude DHS from taking administrative, civil, or criminal action as a result of the violations noted herein.

If you have any questions regarding this Notice, please contact Chuck Stultz, at (213) 620-2380.

Sincerely,

Surveillance and Enforcement Unit

Southern California Seiction

Toxic Substances Control Division

MK:CS:jba

cc: See next page

cc: Richard Ross
Enforcement Coordinator
Office of Enforcement
714 P Street
Sacramento, CA 95814

File

Certified Mail Return Receipt Requested P659352085

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET SACRAMENTO, CA 95814

(916) 324-1826

MLM 3 6 598 1986

April 21, 1986



Omega Chemical Corporation P. O. Box 152 Whittier, CA 90608

Dennis R. Omega:

Re: NOTICE OF VIOLATION AND SCHEDULE FOR COMPLIANCE EPA #CAD042245001

On April 11, 1986, the Department of Health Services completed a review of the financial responsibility file for the above-named facilities located at 12504 E. Whittier Blvd., Whittier, CA 90602.

As a result of this review, we have determined that the above-named facility is not in compliance with federal and state laws requiring liability insurance coverage. Specifically, the facility is in violation of 40 Code of Federal Regulations Sections 265.147(a) and (b) and 22 California Administrative Code Sections 67027, 67028.

Please send written certification to this office within 12 months of the date of this Notice that insurance coverage has been obtained.

In addition, please provide a written status report to the Department on a quarterly basis. This report is due on the 10th day of every third month following the date of this Order. This report shall include, but need not be limited to:

- a. the names and contact persons of all insurance carriers to which an inquiry about coverage has been made;
- the responses of each insurance carrier regarding whether or not coverage is available, and in what amounts;
- c. copies of all documents submitted to and received from all insurance carriers contacted.

Also, the closure cost estimate adjustment required by 40 CFR Section 265.142(b) and 22 CAC Section 67002(b) is overdue. Please provide this adjustment to the Department within 90 days.

The issuance of this Notice of Violation and Schedule for Compliance does not preclude the Department from taking administrative, civil or criminal action related to the violations noted herein.

If you have any questions regarding this Notice please contact Iran Haefele at $(916)\ 322-2337$.

Sincerely,

C. David Willis

Deputy Director

Toxic Substances Control Division

C.D. Milli;

cc: Sandee Echollas

1401-98 Eagle Park Rd.

Hacienda Heights, CA 91745

DEPARTMENT OF HEALTH SERVICES
107 SOUTH BROADWAY, ROOM 7128
LOS ANGELES, CA 90012
NOTICE OF

FACILITY MANAGER

(213) 620-2380

NOTICE OF VIOLATION AND DIRECTIVE TO COMPLY



EPA ID Number: CAD042245001

Inspection Date: April 5, 1985

Facility: OMEGA CHEMICAL CORP.

12504 EAST WHITTIER BLUD.

WHITTIER, CA. 90602

On the above date an inspection of your Hazardous Waste Facility was conducted under authority of Section 25185. California Health and Safety Code and Section 66328, California Administrative Code.
You are directed to correct the violations noted below:

40 CFR 265.71; Facility Operator fails to date Manifests properly 40CFR 265.173(a). And ISD VIII 3(a): Facility Operator's stated practice involves the accumulation of waste in OPEN CONTAINERS. FACILITY Operator tails closed containers CFR 265, 194 (5) AND ISD II (1)(d) II (2)(b) VII (3)(a) 5; TANK STORAGE AREA DOES NOT HAVE AN IMPERVIOUS BASE. HAS DETERIORATED, FACILITY OPERATOR HAS NOT PREVIOUSLY INITIATED CORRECTIVE You are hereby directed to correct the Above Violations And to submit for approval to the department MAY 1, 1985 AN OUTLINE OF THE STOPS THAT WILL BE TAKEN, subject to prior Approval. Authorized State Agent: Facility Representative: CERTIFIED MAIL (signature) STEVE SIMPSON

OFFICIAL NOTICE OF VIOLATION NO 24888

Occupational Health Division
Naradow Waste Control Program
2515 S. Grand Are. 6th Floor
Los Angeles CA 90007
Los Ange

County of Los Angeles

12 - 1016 ...

1 RICHARD H. KOPPES
Chief Counsel

2 JOSEPH R. SYMKOWICK
Assistant Chief Counsel

REED SATO
Staff Attorney
DEPARTMENT OF HEALTH SERVICES
714 P Street, Room 1216

Sacramento, CA 94814
(916) 324-3978

DEPARTMENT OF HEALTH SERVICES

In re:
Omega Chemical Corporation
EPA ID #CAD042245001

CASE NO. HWCA 0017 NOTICE OF INTENT TO FILE SUIT

YOU ARE HEREBY NOTIFIED; that the DEPARTMENT OF
HEALTH SERVICES has requested that the OFFICE OF THE ATTORNEY
GENERAL commence civil action against OMEGA CHEMICAL
CORPORATION (OMEGA) for injunctive relief and civil penalties.
The basis of this action is OMEGA's failure to comply with
financial responsibility requirements set forth in 40 CFR part
265 and enforced by the Department of Health Services pursuant
to Health and Safety Code Section 25159.6.

A meeting is scheduled on October 18, 1983 at 10:00 a.m. in room 995, 714 P Street, Scramento, California, to allow OMEGA to show cause why it should not be sued.

OMEGA shall contact the undersigned no later than October 14, 1983, if it wishes to participate in this meeting.

A failure to respond by this date may result in immediate filing of suit. IT IS SO NOTICED: RICHARD H. KOPPES Chief Counsel JOSEPH R. SYMKOWICK Assistant Chief Counsel October 7, 1983 REED SATO, Staff Attorney Office of Legal Services Date

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72

LOCATION OF REVIEW: Sacramento

DATE OF RECORDS REVIEW: 28 Nov 83

FACILITY IDENTIFICATION: CA DO422 45001

FACILITY NAME: Omega Chemical

FACILITY LOCATION:

DEFICIENCY: improper c/Pc documents

STATE ACTIONS TO DATE: warning letter 6/7/83 legalrefurd 8/19. request resubmitted Nov 8

DEPARTMENT OF HEALTH SERVICES 107 SOUTH BROADWAY, ROOM 7128 LOS ANGELES, CA 90012 (213) 620-2380



May 26, 1983

Mr. Dennis O'Meara Omega Chemical Corporation 12504 East Whittier Boulevard Whittier, California 90602

INTERIM STATUS DOCUMENT COMPLIANCE INSPECTION

Dear Mr. O'Meara:

On March 1, 1983, your facility was reinspected by Susan Romero of this office to verify compliance with the standards set forth in the Interim Status Document (CAD042245001) issued to Omega Chemical Corporation on October 6, 1981. It was observed that most of the deficiencies observed during the previous inspection had been complied with.

In order to bring your facility into full compliance with the conditions set forth in the Interim Status, you are hereby requested to institute corrective measures for the following deficiencies (Page number refer to your Interim Status Document):

- Section III (4)(a)(b) Page 9 The facility's entrance gate is kept open during business hours and is not guarded or controlled so as to restrict entry by the public.
- 2. In the area of operating plans and records the following were observed to be unadequate:
 - a. Section III 3 (a)(b)(1)(2)(3)(4)(5) Page 8 The waste Analysis Plan.
 - b. Section III 5 (a) (b) (c) (d) Page 10 Inspection Procedures.
 - c. Section III 13 (c)(d)(e)(f) Page 15 Contingency Plan.
 - d. Section V 2 (a) (4) Page 22 Closure Plan.
 - e. Section V 5 Page 23 Certification of Closure

Please be advised that these documents might best be incorporated into a comprehensive facility operation plan which needs to be submitted to this office upon your receipt of specific written notice from the Department to submit an operation in accordance with Section 66376, Title 22 of the California Administrative Code.

You are requested to provide this office within two weeks of the date of this letter a written report providing a time table of implementation of the corrective measures taken or to be taken.

Should you have any questions please call Susan Romero at the above letterhead telephone number.

John A. Hinton, P.E.

Regional Administrator

Southern Region

Permits, Surveillance and Enforcement Section

Hazardous Waste Management Branch

Certified Mail Return Receipt Requested DEPARTMENT OF HEALTH SERVICES

107 SOUTH BROADWAY, ROOM # 7128

LOS ANGELES, CA 90012

(213) 620-2380



August 26, 1982

Omega Chemical Corporation 12504 East Whittier Blvd. Whittier, CA 90602

Attn: Dennis O'Meara

Re: Interim Status Document Compliance Inspection

Dear Mr. O'Meara:

On March 29, 1982, an inspection was conducted at your facility to verify compliance with the conditions set forth in the Interim Status Document No. CAD 042245001 issued on October 6, 1981.

In order to achieve full compliance with the conditions set forth in the document, you are hereby requested to institute corrective measures for the following deficiencies:

- Section I (2) page 1: A copy of the Interim Status Document was not on file at the facility.
- Section II (1)(c) page 3: Hazardous caution signs were not posted in the waste storage area.
- 3. Section II (2)(d) page 4: Hazardous waste storage tanks were not individually marked with the National Fire Prevention Association (NFPA) hazard identification placards.
- 4. Section II (13) page 6: Safety shower was not provided to personnel working in the hazardous waste area.
- 5. Section III (3)(b)(1)(2)(3)(4)(5) page 8 & 9: A written waste analysis plan as detailed in the document was not available

:

- 6. Section III (5)(b)(1)(2)(3)(4)(5) page 10: Lack of written schedule for inspecting all monitoring equipment.
- 7. Section III (13)(c)(d)(e)(f) page 15: Insufficient information in the contingency plan.
- Section V (2)(a) Lack of closure plan and amendment to plan.

Please submit to this office within two weeks from the date of this letter, a written report providing a timetable of implementation of the corrective measures.

Should you have any questions please call Susan Romero of this office.

John A. Hinton, P.E.

Permits, Surveillance and

Enforcement Section

Hazardous Waste Management Branch

JAH: SBR:mw



South Coast AIR QUALITY MANAGEMENT DISTRICT

9150 E. FLAIR DRIVE, EL MONTE, CA 91731

June 24, 1982

Dennis O'leara

Omega Chemical Corp., Pachelor Processing Div.

12504 E. Whittier Elvd.

Whittier, CA 20602

Re: South Coast Air Quality 'anagement District Motice of Violation

Number:

2-10297 00453

Control No.

3-22-82

Date of Violation:

Date Served:

3-22-82

We are writing to you regarding the above-captioned violation notice, a copy of which is attached. You are charged with a violation of Rule(s) 201 2 203. The California Wealth and Safety Code specifies the penalty for such violations can be either:

> 1. By civil penalties of up to \$1,000.00 per day for each day of violation on or after January 1, 1982 (Health & Safety Code Section 42402);

> > OR

By prosecution as a criminal misdemeanor with a maximum fine of \$500.00 per day and/or six months in jail for each day of violation. (Health & Safety Code Section 42400).

E IF YOU MAVE ANY QUESTIONS CONCERNING PENALTIES OF PROCEDURES, YOU SHOULD SEEK THE ADVICE OF YOUR ATTORNEY.

After a preliminary review of this case, the District has elected to treat this as a civil penalties matter in accordance with the procedure numbered (1) above. In this case total liability in a civil action could be \$2000.00 for each day the violation occurred. We would expect that litigation proceedings would disclose whether additional days of violation occurred. In the event that you are interested in settling this matter without further legal proceedings, I am authorized to offer to settle this matter in accordance with the District's standard settlement policy as follows:

- 1. Payment of a civil penalty in the sum of Se
- 2. The alleged violator shall be released from any and all claims for civil or criminal menalties arising from the incident referred to in the above Motice of Violation.
- 3. The District reserves the right to rely upon the alleged violation and may offer proof thereof in connection with any petition for a variance, permit revocation, or abatement order before the District Hearing Board.
- 4. This settlement shall not constitute an admission of violative conduct nor shall it be inferred to be such an admission in any administrative or judicial proceeding.

Dennis O''eara June 24, 1982 Page Two

> The alleged violator shall provide proof of present compliance in writing.

If the above terms are acceptable to you, sign and return the enclosed copy of this letter, together with a check payable to South Coast Air Quality 'anagement District in the sum of \$500.00, tog

South Coast Air Quality Management District 9150 E. Flair Dr. El Monte, Ca. 91731 Attention: Mr. Walter E. Olson

You may write or call the the investigator listed below to request an office conference if you wish to discuss this matter with representatives of the District's. Enforcement Division and Legal Division.

If we do not hear from you by July 15, 1982; we will assume that you are not interested in resolving this matter as outlined above and we will refer the matter to our Legal Division for further action.

JUL ZÜ I US İTI BE.

Very truly yours,

Edward Camarena Director of Enforcement

By:
William S. Foltz
Investigator II

Headquarters (213) 572-6302

MEL:smb

Name______Title

OMEGA CHEMICAL CORP.
BACHELOR CHEMICAL PROCESSING DIV.
12504 E. WHITTIER BLVD. 698-0991
WHITTIER, CA 90602

BANKOF AMERICA WESTCHESTER BRANCH 8946 SOUTH SEPULVEDA BOULEVARD LOS ANGELES, CALIF. 90045

11044

16-66/1220

PAY *******FOUR HUNDRED DOLLARS & NO/100's******

TO THE ORDER OF SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT
9150 E. Flair Drive
El Monte, CA 91731
Attention: Walter E. Olson

DATE

AMOUNT

7/13/82

\$400.00

· #O 1 10 4 4 # ◎ 11 1 2 200066 11 0 3 3 25 # 0006 3 #

6.8

WSF

Operator:

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET SACRAMENTO, CA 95814



Facility: Omega Chemical Corporation)

12504 East Whittier

Boulevard

Los Angeles County Whittier, CA 90602

Omega Chemical Corporation)

12504 East Whittier

Boulevard

Whittier, CA 90602

INTERIM STATUS DOCUMENT

Number: CAD 042245001

Effective Date: October 6, 1981

Pursuant to Section 25200.5 of the California Health and Safety Code, this Interim Status Document is hereby granted to Omega Chemical Corporation subject to the conditions set forth in Attachment A which by this reference is incorporated herein.

Harvey F. Collins, Ph.D., Chief Environmental Health Branch

ATTACHMENT A

Interim Status Document

Omega Chemical Corporation 12504 East Whittier Boulevard Los Angeles County Whittier, CA 90602

I. GENERAL CONDITIONS

1. Identification and general responsibilities of operator.

Omega Chemical Corporation, hereinafter called the operator and/or owner, shall comply with the provisions of the California Health and Safety Code, including Chapter 6.5 of Division 20, and with the Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes (Chapter 30, Division 4, Title 22 of the California Administrative Code). The following requirements set forth in Chapter 30, Division 4, Title 22, California Administrative Code, should be particularly noted:

- (a) The owner or operator shall ensure that the operation of the facility will not imperil public health and safety, wildlife, domestic livestock, or the environment.
- (b) The owner or operator shall allow the California State Department of Health Services or the local health agency to inspect the facility, take samples of wastes, and inspect pertinent records.
- (c) The owner or operator shall maintain the qualified personnel and the equipment necessary to provide for the safe operation of the facility.
- (d) The owner or operator shall notify the California State Department of Health Services of a proposed change in ownership of the facility, in the method of operation of the facility, or of proposed closure of the facility 30 days prior to such event.
- (e) The operator shall report to the California State Department of Health Services, within 24 hours after occurrence, all accidents involving hazardous wastes which resulted in, or could have resulted in, a hazard to public health and safety, wildlife, domestic livestock, or to the environment.

2. Records.

The owner or operator shall file this Interim Status Document at the facility and at his place of business.

3. Operation plan.

Unless he has already done so, the owner or operator shall submit to the California State Department of Health Services within six months after receiving specific written notice from the Department to do so, an operation plan in accordance with Section 66376, Title 22 of the California Administrative Code.

4. Prohibited acts.

The owner or operator shall not do any of the following acts:

- (a) Treat, store, or dispose of hazardous wastes which are not identified.
- (b) Employ processes not described in the application.
- (c) Make substantial modifications or additions to the facility.

5. Limitation.

The owner or operator shall comply with the conditions of this document and with any new or modified conditions which the California State Department of Health Services deems necessary to protect public health or the environment. A new interim status condition or a modification of an existing interim status condition shall become effective on the date that written notice of such change is received by the owner or operator.

NOTE: Unless explicitly stated otherwise, all cross references to items in this Interim Status Document shall refer only to items occurring within the same Part. All Parts are identified by Roman numerals. The items set forth in each Part shall apply to the owner, operator, and/or facility in addition to the items set forth in any preceding and/or following Part of this document.

II. SPECIAL CONDITIONS

1. Storage of wastes.

- (a) Hazardous waste shall not be stored at the facility for longer than one year without written approval from the California State Department of Health Services.
- (b) If a hazardous waste is stored at the facility longer than one year, the owner or operator shall pay to the California State Department of Health Services a fee, as if the waste had been disposed of on land, in accordance with Article 8, Chapter 30, Division 4, Title 22 of the California Administrative Code. The fee shall be paid in the 13th month of storage.
- (c) Hazardous waste shall be stored in a secure enclosure such as a building, room or fenced area, which shall prevent unauthorized persons from gaining access to the waste, and in a manner that will prevent spills. A caution sign shall be posted and visible from any direction of access or view of hazardous waste stored in such enclosure. Wording of caution signs shall be in English, "Caution-Hazardous Waste Storage Area-Unauthorized Persons Keep Out", and Spanish, "Cuidado! Zona de Residuos Peligrosos. Prohibida la Entrada a Personas No Autorizadas".
- (d) Each hazardous waste storage area shall have a continuous base that is impervious to the waste to be stored and shall be designed and constructed so that any surface water runoff or spills can be contained.

2. Storage in tanks.

- (a) Each hazardous waste storage tank situated above ground shall have a spill confinement structure (e.g., dike or trough) capable of holding the entire contents of the tank plus sufficient freeboard.
- (b) Hazardous waste storage tanks shall be constructed of materials which are compatible with the wastes to be contained or shall be protected by liners which are compatible with those wastes.
- (c) Prior to use, new, replacement, and repaired hazardous waste storage tanks and their appurtenances shall be certified by an engineer registered in California to be structurally sound and of adequate construction for the intended use.

- (d) Each hazardous waste storage tank and storage area shall be individually marked with the internationally recognized hazard identification system placards developed by the National Fire Prevention Association (NFPA).
- (e) Valves on hazardous waste storage tanks shall be kept locked when the facility is unattended.

3. Storage in containers.

- (a) Containers used for storing hazardous waste shall be in a condition such that the containers can be safely transported, handled or moved.
- (b) Areas used for storing containers of hazardous waste shall be widely separated, or physical barriers shall be provided to ensure that commingling of incompatible hazardous wastes cannot occur if a container ruptures.
- (c) A label shall be maintained on all containers in which hazardous wastes are stored for 90 days or more and records for the storage of all hazardous wastes shall be maintained pursuant to Section 66545, Title 22 of the California Administrative Code. Labels shall include the following information:
 - (1) Composition and physical state of the waste;
 - Special safety recommendations and precautions for handling the waste;
 - (3) Statement or statements which call attention to the particular hazardous properties of the waste;
 - (4) Amount of waste and name and address of the person producing the waste; and
 - (5) Date of acceptance at the storage facility.
- (d) Empty containers contaminated with hazardous materials shall be stored, handled, processed and disposed of as hazardous wastes.

4. Treatment of wastes.

If incompatible wastes are mixed for purposes of treatment, the owner or operator shall control the mixing process in a manner which prevents hazards to health and safety of the public or employees or hazards to domestic livestock or wildlife.

5. Recycling.

- (a) The mixing or blending of potentially imcompatible materials and wastes for purposes of recovering resources, neutralizing wastes, or detoxifying wastes shall be carried out under controlled conditions to ensure that violent reactions, extreme heat, or fire do not occur and that toxic or flammable gases and vapors are not discharged into the atmosphere.
- (b) If requested by the California State Department of Health Services in accordance with Article 12, Chapter 30, Division 4, Title 22, California Administrative Code, the owner or operator shall submit a written statement justifying having not recycled a waste which the Department has determined to be recyclable.
- 6. Management of extremely hazardous wastes.

The operator shall ensure that extremely hazardous wastes are handled in accordance with the terms of an Extremely Hazardous Waste Disposal Permit issued by the California State Department of Health Services, pursuant to Article 7, Chapter 30, Division 4, Title 22, California Administrative Code.

Wastes prohibited.

Hazardous wastes described below shall not be handled at the facility:

- (a) Extremely hazardous wastes as defined in Sections 66064 and 66685, Title 22, California Administrative Code, unless specifically approved by a written permit from the California State Department of Health Services.
- (b) Burning wastes.
- (c) Forbidden and Class A explosives as defined in Sections 173.51 and 173.53, Title 49, Code of Federal Regulations.

Public water supply.

If a public water supply is used at the facility, the service connection shall be protected from contamination as specified in Section 7604, Title 17 of the California Administrative Code.

9. Fencing.

The perimeter of the hazardous waste area of the facility shall be secured by a well-maintained fence, capable of preventing the intrusion of livestock and of discouraging entry by unauthorized persons. If the entire facility is appropriately fenced, if the general public does not have access to the hazardous waste area, and if the hazardous waste area is posted with warning signs as described elsewhere in this document, no additional fence shall be required around the hazardous area unless the absence of such a fence could result in a hazard to health, safety, or the environment.

10. Operation at night.

When the facility is operated during hours of darkness, the operator shall provide sufficient lighting to ensure safe, effective management of hazardous wastes.

11. Warning signs.

Signs indicating that the facility, or the hazardous waste area of the facility, contains hazardous waste shall be placed on the perimeter fence at locations where it is anticipated that hunters and other trespassers may enter the facility such as at trails, major drainages, and ridges. Wording of the signs shall be in English, "Caution-Hazardous Waste Area-Unauthorized Persons Keep Out", and Spanish, "Cuidado! Zona de Residuos Peligrosos. Prohibida la Entrada a Personas No Autorizadas".

Telephone or radio communications.

A telephone or radio for summoning aid in the event of an emergency shall be in workable condition and available for immediate use by personnel working in the hazardous waste area of the facility.

Safety showers.

The owner or operator shall provide to personnel working in the hazardous waste area of the facility adequate numbers of safety showers. The safety showers shall be in workable condition and available for immediate use.

14. Eyewashes.

The owner or operator shall provide to personnel working in the hazardous waste area of the facility adequate numbers of eyewashes. The eyewashes shall be in workable condition and available for immediate use.

15. First-aid kit.

The owner or operator shall provide to personnel working in the hazardous waste area of the facility adequate numbers of industrial-type first-aid kits. The kits shall be maintained and available for immediate use.

16. Protective clothing.

The owner or operator shall provide to personnel working in the hazardous waste area of the facility adequate numbers of the following National Institute of Occupational Safety and Health (NIOSH) approved equipment if appropriate:

- (a) Protective head gear and face masks.
- (b) Chemically resistant apparel and gloves.
- (c) Self-contained breathing apparatus and respirators with the approved cartridges.

17. Management of asbestos wastes.

Asbestos-containing wastes shall be managed in accordance with the following instructions:

- (a) Wastes in sealed, nonreturnable containers shall be handled, disposed of, and covered without opening, breaking, or rupturing the containers.
- (b) Wetted wastes in bulk shall not be allowed to dry to such a state that airborne asbestos fibers would result.
- (c) Dry wastes in bulk shall be thoroughly wetted to prevent the blowing of asbestos fibers.
- (d) All asbestos-containing wastes destined for disposal at the facility shall be covered with at least six inches of compacted soil or nonhazardous solid waste within 24 hours after receipt at the disposal area or site.

III. SAFETY, EQUIPMENT, AND EMERGENCY RESPONSE

1. Identification number.

The facility owner or operator shall have an identification number issued by the U.S. Environmental Protection Agency (EPA).

2. Notices.

- (a) If the owner or operator has arranged to receive hazardous waste from a foreign source, he shall notify the California State Department of Health Services in writing at least four weeks in advance of the date that the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- (b) Before transferring ownership or operation of the facility during its operating life or during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the conditions of this document.

3. Analysis of waste.

- (a) (1) Before the owner or operator treats, stores, or disposes of a particular type of hazardous waste for the first time, he shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis shall contain all the information which must be known to treat, store, or dispose of the waste in accordance with the conditions of this document.
 - (2) The analysis may include data developed for other purposes, and existing published or documented data on the hazardous waste or on waste generated from similar processes.
 - (3) The analysis shall be repeated as necessary to ensure that it is accurate and up-to-date. At a minimum, the analysis must be repeated when the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed.
- (b) Upon the effective date of this document, the owner or operator shall follow a written waste analysis plan which describes the procedures which will be used to comply with Item 3 (a). The plan shall be subject to approval by the California State Department of Health Services and shall be kept at the facility. At a minimum, the plan shall specify:

- The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters;
- (2) The test methods which will be used to test for these parameters;
- (3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - (i) One of the sampling methods described in Appendix 1, Part 261, Title 40, Code of Federal Regulations; or
 - (ii) An equivalent sampling method approved by the California State Department of Health Services.
- (4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date;
- (5) Where applicable, the methods which will be used to meet any additional waste analysis requirements for specific waste management methods as specified elsewhere in this document.

4. Security.

- (a) The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility.
- (b) The facility shall have:
 - A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or
 - (2) (i) An artificial or natural barrier which completely surounds the active portion of the facility and which would prevent unauthorized entry; and
 - (ii) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

(c) Upon the effective date of this document, a sign with the legend, "Caution - Hazardous Waste Area - Unauthorized Persons Keep Out," shall be posted at each entrance to the active portion of the facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend shall be written in Engligh and Spanish, "Cuidado! Zona De Residuous Peligrosos. Prohibida La Entrada A Personas No Autorizadas", and shall be legible from a distance of at least 25 feet. Existing signs with a legend other than "Caution - Hazardous Waste Area - Unauthorized Persons Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

Inspections.

- (a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing—or may lead to—release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
- (b) (1) The owner or operator shall follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
 - (2) The schedule shall be subject to approval by the California State Department of Health Services.
 - (3) He shall keep this schedule at the facility.
 - (4) The schedule shall identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
 - (5) The frequency of inspection may vary for the items on the schedule. However, it shall be based on the rate of

possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas shall be inspected daily when in use. At a minimum, the inspection schedule shall include the items and frequencies called for elsewhere in this document.

- (c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which shall be subject to approval by the California State Department of Health Services and which shall ensure that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.
- (d) The owner or operator shall record inspections in an inspection log or summary. He shall keep these records for at least three years from the date of inspection. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

6. Personnel training.

- (a) (1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the conditions of this document. The owner or operator shall ensure that this program includes all the elements described under Item 6 (a)(3).
 - (2) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
 - (3) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:
 - Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
 - (ii) Key parameters for automatic waste feed cut-off systems;

- (iii) Communications or alarm systems;
- (iv) Response to fires or explosions;
- (v) Response to ground-water contamination incidents; and
- (vi) Shutdown of operations.
- (b) Facility personnel shall have successfully completed the program required in Item 6 (a) by the effective date of this document or within six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of this document shall not work in unsupervised positions until they have completed the training requirements of Item 6 (a).
- (c) Facility personnel shall take part in an annual review of the initial training required in Item 6 (a).
- (d) The owner or operator shall maintain the following documents and records at the facility:
 - The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
 - (2) A written job description for each position listed under Item 6 (d)(1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;
 - (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Item 6 (d) (1); and
 - (4) Records that document that the training or job experience required under Items 6 (a), (b), and (c) has been given to, and completed by, facility personnel.
- (e) Training records on current personnel as required in Item 6 (d) 4 shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

- 7. Ignitable, reactive, or incompatible wastes.
 - (a) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
 - (b) The treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials shall be conducted so that it does not:
 - Generate extreme heat or pressure, fire or explosion, or violent reaction;
 - (2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
 - (3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - (4) Damage the structural integrity of the device or facility containing the waste; or
 - (5) Through other like means threaten human health or the environment.
- 8. Maintenance and operation of facility.

The facility shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

9. Testing and maintenance of equipment.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to ensure its proper operation in time of emergency.

10. Required aisle space.

The owner or operator shall maintain aisle space as needed to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

- 11. Arrangements with local authorities.
 - (a) Upon the effective date of this document, the owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:
 - (1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes:
 - (2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - (3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
 - (b) Where State or local authorities decline to enter into such arrangements, the owner or operator shall document the refusal in the operating record.
- 12. Purpose and implementation of contingency plan.
 - (a) Upon the effective date of this document, the owner or operator shall have a contingency plan for the facility. The contingency plan shall be subject to approval by the California State Department of Health Services and shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(b) The provisions of the plan shall be carried out immediately wherever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

13. Content of contingency plan.

- (a) The contingency plan shall describe the actions facility personnel shall take to comply with Items 12 and 17 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- (b) If the owner or operator has already prepared some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the conditions of this document.
- (c) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to Item 13.
- (d) The plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Item 18), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.
- (e) The plan shall include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.
- (f) The plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous wastes or fires).

Copies of contingency plan.

A copy of the contingency plan and all revisions to the plan shall be:

- (a) Maintained at the facility; and
- (b) Submitted to the California State Department of Health Services and to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 15. Amendment of contingency plan.

The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:

- (a) Applicable regulations are revised;
- (b) The plan fails in an emergency;
- (c) The list of emergency coordinators changes; or
- (d) The list of emergency equipment changes.
- 16. Emergency coordinator.

At all times, there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

17. Emergency procedures.

- (a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) shall:
 - Immediately activate internal facility alarms or communication systems, where applicable, to notify all facility personnel;
 - (2) Immediately notify appropriate State or local agencies with designated response roles if their help is needed; and
 - (3) Notify the California State Department of Health Services by telephone or telegraph within 24 hours of occurrence.

- (b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. This may be done by observation or review of facility records or manifests and, if necessary, by chemical analysis.
- (c) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).
- (d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the findings shall be reported as follows:
 - (1) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under Part 1510, Title 40, Code of Federal Regulations), or the National Response Center (using their 24-hour toll free number: 800/424-8802). The report shall include:
 - (i) Name and telephone number of reporter;
 - (ii) Name and address of facility;
 - (iii) Time and type of incident (e.g., release, fire);
 - (iv) Name and quantity of material(s) involved, to the extent known;
 - (v) The extent of injuries, if any; and
 - (vi) The possible hazards to human health, or the environment, outside the facility.
 - (2) If his assessment indicates that evacuation of local areas may be advisable, appropriate local authorities shall be notified immediately. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.
- (e) During an emergency the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous

waste at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

- (f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- (h) The emergency coordinator shall ensure that, in the affected area(s) of the facility:
 - No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - (2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- (i) The owner or operator shall notify the California State
 Department of Health Services and local authorities, that the
 facility is in compliance with Item 17 (h) before operations
 are resumed in the affected area(s) of the facility.
- (j) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 30 days after the incident, he shall submit a written report on the incident to the California State Department of Health Services. The report shall include:
 - Name, address, and telephone number of the owner or operator;
 - Name, address, and telephone number of the facility;
 - (3) Date, time, and type of incident (e.g., fire, explosion);
 - (4) Name and quantity of material(s) involved;
 - (5) The extent of injuries, if any;

- (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- (7) Estimated quantity and disposition of recovered material that resulted from the incident.

IV. RECORDKEEPING

- Operating record.
 - (a) The owner or operator shall keep a written operating record at the facility.
 - (b) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
 - A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility;
 - (2) The location of each hazardous waste within the facility and the quantity at each location. This information shall include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;
 - Records and results of waste analyses and trial tests performed;
 - (4) Summary reports and details of all incidents that require implementing the contingency plan;
 - (5) Records and results of inspections (except these data need be kept only three years);
 - (6) Monitoring, testing or analytical data where required; and
 - (7) All closure cost estimates.
- 2. Availability, retention, and disposition of records.
 - (a) All records including plans, required in this document shall be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or respresentative of the California State Department of Health Services who is duly designated by the Director;
 - (b) The retention period for all records required in this document is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the California State Department of Health Services;

(c) A copy of records of waste disposal locations and quantities in Item 1 (b)(2) shall be submitted to the California State Department of Health Services and local land authority upon closure of the facility.

3. Annual report.

The owner or operator shall prepare and submit a single copy of an annual report to the California State Department of Health Services by March 1 of each year beginning March 1, 1982. The annual report shall cover facility activities during the previous calendar year and shall include the following information:

- (a) The EPA identification number, name, and address of the facility;
- (b) The calendar year covered by the report;
- (c) A description and the quantity of each hazardous waste the facility received during the year;
- (d) The method of treatment, storage, or disposal for each hazardous waste;
- (e) Monitoring data where required;
- (f) The most recent closure cost estimate;
- (g) The certification signed by the owner or operator of the facility or his authorized representative.

4. Additional reports.

In addition to submitting the annual report required in Item 3, the owner or operator shall also report to the California State Department of Health Services:

- (a) Releases, fires, and explosions;
- (b) Ground-water contamination and monitoring data;
- (c) Facility closure.

V. CLOSURE

1. Closure.

The owner or operator shall close his facility in a manner that:
(a) minimizes the need for further maintenance, and (b) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground water, or surface waters, or to the atmosphere.

- 2. Closure plan and amendment of plan.
 - (a) The owner or operator shall have a written closure plan. This plan shall be subject to approval by the California Regional Water Quality Control Board and shall be kept at the facility. This plan shall identify the steps necessary to close the facility completely at any point during its intended life and at the end of its intended life. The closure plan shall include, at least:
 - A description of how and when the facility will be partially closed, if applicable, and ultimately closed. The description shall identify the maximum extent of the operation which will be unclosed during the life of the facility, and how Item I and other applicable conditions of this document will be met;
 - (2) An estimate of the maximum inventory of wastes in storage or in treatment at any given time during the life of the facility;
 - (3) A description of the steps needed to decontaminate facility equipment during closure; and
 - (4) A schedule for final closure which shall include, as a minimum, the anticipated date when wastes will no longer be received, the date when completion of final closure is anticipated, and intervening milestone dates which will allow tracking of the progress of closure. (For example, the expected date for completing treatment or disposal of waste inventory shall be included, as must the planned date for removing any residual wastes from storage facilities and treatment processes.)

- (b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator shall amend his plan any time changes in operating plans or facility design affect the closure plan.
- (c) The owner or operator shall submit his closure plan to the California Regional Water Quality Control Board at least 180 days before the date he expects to begin closure. The California Regional Water Quality Control Board will modify, approve, or disapprove the plan within 90 days of receipt and after providing the owner or operator and the affected public (through a newspaper notice) the opportunity to submit written comments.
- 3. Time allowed for closure.
 - (a) Within 90 days after receiving the final volume of hazardous wastes, the owner or operator shall treat all hazardous wastes in storage or in treatment, or remove them from the site, or dispose of them on-site, in accordance with the approved closure plan.
 - (b) The owner or operator shall complete closure activities in accordance with the approved closure plan and within six months after receiving the final volume of wastes. The California Regional Water Quality Control Board may approve a longer closure period under Item 2 (c) if the owner or operator can demonstrate that: (1) the required or planned closure activities will, of necessity, take him longer than six months to complete, and (2) that he has taken all steps to eliminate any significant threat to human health and the environment from the unclosed but inactive facility.
- 4. Disposal or decontamination of equipment.

When closure is completed, all facility equipment and structures shall have been properly disposed of, or decontaminated by removing all hazardous waste and residues.

5. Certification of closure.

When closure is completed, the owner or operator shall submit to the California Regional Water Quality Control Board certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

VI. FINANCIAL RESPONSIBILITY

- 1. Cost estimate for facility closure.
 - (a) The owner or operator shall have a written estimate of the cost of closing the facility in accordance with the applicable closure requirements of this document. The owner or operator shall keep this estimate, and all subsequent estimates, at the facility. The estimate shall equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan.
 - (b) The owner or operator shall prepare a new closure cost estimate whenever a change in the closure plan affects the cost of closure.
 - (c) On each anniversary of the effective date of this document, the owner or operator shall adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor shall be calculated by dividing the latest published annual Deflator by the Deflator for the previous year. The result is the inflation factor. The adjusted closure cost estimate shall equal the latest closure cost estimate (see Item 1(b)) times the inflation factor.

VII. TANKS

- 1. Operation.
 - (a) Treatment or storage of hazardous waste in tanks shall comply with Item 7 (b), Part III of this document.
 - (b) Hazardous waste or treatment reagents shall not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.
 - (c) Uncovered tanks shall be operated to ensure at least 60 centimeters (2 feet) of freeboard, or the tank shall be equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - (d) If hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow (e.g., a waste feed-cutoff system or by-pass system to a stand-by tank).
- Analysis of waste and trial tests.
 - (a) If a tank is to be used for:
 - Chemically treating or storing a hazardous waste which is substantially different from waste previously treated or stored in that tank; or
 - (2) Chemically treating hazardous waste with a substantially different process than any previously used in that tank; the owner or operator shall before treating or storing the different waste or using the different process:
 - (i) Conduct waste analyses and trial treatment or storage tests (e.g., bench scale or pilot plant scale tests) to document that this proposed treatment or storage will comply with Items 1(a) and (b); or
 - (ii) Obtain written information on similar storage or treatment of similar waste under similar operating conditions to document that this proposed treatment or storage will comply with Items 1 (a) and (b).

Inspections.

- (a) The owner or operator of a tank must inspect, if applicable:
 - Discharge control equipment (e.g., waste feed cut-off systems, and drainage systems), at least once each operating day, to ensure that it is in good working order;
 - (2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges), at least once each operating day, to ensure that the tank is being operated according to its design;
 - (3) The level of waste in the tank, at least once each operating day, to ensure compliance with Item 1 (c);
 - (4) The construction materials of the tank, at least weekly, to detect corrosion or leaking of fixtures or seams; and
 - (5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes), at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

4. Closure.

At closure, all hazardous waste and hazardous waste residues shall be removed from tanks, discharge control equipment, and discharge confinement structures.

- 5. Ignitable or reactive waste.
 - (a) Ignitable or reactive waste shall not be placed in a tank, unless:
 - (1) The waste is treated, rendered, or mixed before or immediately after placement in the tank so that the resulting waste, mixture, or dissolution of material is no longer ignitable or reactive and Item 7 (b), Part III of this document is complied with; or
 - (2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or
 - (3) The tank is used solely for emergencies.
 - (b) If the owner or operator treats or stores ignitable or reactive waste in covered tanks, he shall comply with the National Fire Protection Association's (NFPA's) buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the "Flammable and Combustible Code--1977".

Incompatible Wastes.

- (a) Incompatible wastes, or incompatible wastes and materials, shall not be placed in the same tank, unless Item 7 (b), Part III of this document is complied with.
- (b) Hazardous waste shall not be placed in an unwashed tank which previously held an incompatible waste or material.

VIII. STORAGE OF CONTAINERS

1. Condition.

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the conditions of this document.

2. Compatibility of waste.

The owner or operator shall use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

- 3. Management.
 - (a) A container holding hazardous waste shall remain closed during storage, except when it is necessary to add or remove waste.
 - (b) A container holding hazardous waste shall not be opened, handled, or stored in a manner which might rupture the container or cause it to leak.
- 4. Inspections.

The owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

5. Ignitable or reactive waste.

Containers holding ignitable or reactive waste shall be situated at least 15 meters (50 feet) from the property line of the facility.

- Incompatible wastes.
 - (a) Incompatible wastes, or incompatible wastes and materials, shall not be placed in the same container, unless the requirements of Item 7 (b), Part III of this document are met.
 - (b) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material unless the requirements of Item 7 (b), Part III of this document are met.

(c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

SIGNIFICANT LITIGATION

OMEGA CHEMICAL

Noney - TI This week, Region 3 S&E continued giving testimony in a civil Scott Simpson and Deputy A.G. Toni Cordero met with Judge Williams and the defendant to negotiate a court order to the defendant to negotiate a court order. and the defendant to negotiate a court order to perform specific weekly perform specific PF1 Alternate PFs PF2 File NOTE PF3 Keep PF4 Erase PF5 Forward Note PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

VIEW THE NOTE inspection report for Norris Industries, Inc., for which the region is related to the region of the Region IX that we will include the violatons the contractor found in the Region 3 enforcement case. There were a number of the same violations found, and some new ones. The most significant violation and had actually not been cited by the contractor. During the inspection, the facility personnel changed the date on a drum label in order to hide the evidence that the drum had been in storage too long. The new violations and evidence resulted in the assessed penalty being increased about \$50,000 to about \$180,000.

8-667-2935 Contact: Jim McCammon

SIGNIFICANT LITIGATION

OMEGA CHEMICAL

This week, Region 3 S&E continued giving testimony in a civil contempt motion against Dennis Omera, owner of Omega Chemical. Scott Simpson and Deputy A.G. Toni Cordero met with Judge Williams and the defendant to negotiate a court order to perform specific -PF1 Alternate PFs PF2 File NOTE PF3 Keep PF4 Erase PF5 Forward Note - PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

VIEW THE NOTE

and the defendant to negotiate a court order to perform specific tasks on a schedule. This will actually benefit the Department in the final solution. A parallel effort in cooperation with SMB will organize the generators of the waste at Omega to pay for disposal. Should Mr. Omera fail to perform, the generators will step in and pay for removal, and the court will not consider the defendants "inability to perform" as a defense against a jail sentence for contempt. Should Mr. Omera complete his obligations, he will purge himself of the contempt motion. The final solution is the removal and disposal of approximately 3000 drums of waste. Contact: Scott Simpson 8-667-2819

PROP 65

Region 3 S&E is assisting the district attorney file Prop 65 civil actions against lead emitting facilities. Fifty percent (50%) of penalties collected will go to the hazardous substance account. Contact: Scott Simpson 8-667-2819

SIGNIFICANT REGULATORY ACTIONS

PF1 Alternate PFs PF2 File NOTE PF3 Keep PF4 Erase PF5 Forward Note PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

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